

CITY OF FORT LAUDERDALE
UNSAFE STRUCTURES BOARD
THURSDAY, AUGUST 21, 2014 AT 3:00 P.M.
1ST FLOOR COMMISSION CHAMBERS
CITY HALL

5			Cumulative	
6			Attendance	
7			10/13 through	
			9/14	
	<u>Board Members</u>	Attendance	Present	Absent
8	Michael Weymouth, Chair	P	10	0
	Joe Holland, Vice Chair	P	7	3
9	John Barranco	A	6	4
	Joe Crognale	P	10	0
10	Pat Hale	P	10	0
	Thornie Jarrett	P	10	0
11	Don Larson	P	9	1
	John Phillips [3:12-5:20]	P	6	4
12	B. George Walker	A	5	5

City Staff

15 Lori Grossfeld, Board Secretary
Shani Allman, Clerk III
16 Jeri Pryor, Code Enforcement Supervisor/Clerk
Porshia Goldwire, Administrative Aide
17 Olivia Vargas, Clerk III
Rhonda Hasan, Assistant City Attorney
18 George Oliva, Building Inspector
Alex Hernandez, Interim Building Official
19 Robert Masula, Building Inspector
Det. Paul Maniates
20 Sharon Ragoonan, Code Compliance Manager
Commissioner Bruce Roberts
21 Jamie Opperlee, ProtoType Inc. Recording Clerk

Communication to the City Commission

23 None

24
25

Witnesses and Respondents

CE14070115: Mary Ann Kerr, owner; Robert Fox, potential buyer; Arthur Kaufman, potential buyer

CE13080978: John Holmes, HOA president; John Hopkins, attorney

CE14061544: Charlie Winningham, neighbor; John Winningham, architect; Frank Abdo, neighbor; Thomas McCormack, neighbor; Stanley Keber, neighbor; Bradford Fitzgerald, owner; Martha Luzinski, neighbor; Shelley Pumphrey, neighbor; Florence Copelin, neighbor; Gary Clemons, neighbor; Joe Sanchez, neighbor

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<u>Case Number</u>	<u>Respondent</u>	<u>Page</u>
1. CE13080978	COHEN, LAWRENCE E & BARBARA F 3316 NE 38 ST	<u>3</u>
Disposition:	The Board found the violations existed as cited and granted 15 days for the owner to demolish the dock or the City will do so. Board approved 7-0.	
2. CE14061544	FITZGERALD, BRADFORD W & FITZGERALD, ROSLYN 4404 NE 23 AVE	<u>22</u>
Disposition:	The Board found the violations existed as cited and granted the owner 10 days to repair and secure the pool and public safety issues and 20 days to obtain an engineer's report on the roof or the City will do so. Board approved 7-0.	
3. CE14070115	KERR, MARY ANNE KERR, LOIS 201 SW 11 CT	<u>70</u>
Disposition:	The Board found the violations existed as cited and granted a 28-day extension. Board approved 7-0.	
4. CE14060446	SAUTERNES V LLC 1213 W LAS OLAS BLVD	<u>135</u>
Disposition:	The Board found the violations existed as cited and granted the owner 30 days to demolish the property or the City will do so. Board approved 6-0.	

1			
2	5. CE14061367	FAR EAST YARD PARTNERS LLC	<u>138</u>
3		1515 SW 20 ST	
4	Disposition:	Withdrawn	
5			
6		Other Items and Announcements	<u>138</u>
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9 The regular meeting of the Unsafe Structures Board
 10 convened at 3:00 p.m. in the 1st Floor Commission Chambers,
 11 City Hall, 100 North Andrews Avenue, Ft. Lauderdale, Florida.

12 **All individuals giving testimony before the Board**
 13 **were sworn in.**

14 **Approval of meeting minutes**

15 Motion made by Mr. Larson, seconded by Mr. Holland,
 16 to approve the minutes of the Board's July 2014 meeting. In
 17 a voice vote, motion passed unanimously.

18 **Cases**

19 **1. Case: CE13080978**

INDEX

20 **COHEN, LAWRENCE E & BARBARA F**

21 **3316 NE 38 ST**

22 MS. PRYOR: The first case is going to be on page
 23 one on your agenda. Case number CE13080978, Inspector Robert
 24 Masula, case address 3316 Northeast 38 Street, the owner is
 25 Lawrence and Barbara Cohen.

1 The notice of violation posted on the property
2 7/30/14, advertised in the Daily Business Review 8/1/14 and
3 8/8/14. The certified notices were sent by mail and you have
4 them posted on your agenda.

5 CHAIR WEYMOUTH: Good afternoon Inspector

6 INSPECTOR MASULA: Good afternoon Board. Pleasure
7 to be here with you this afternoon. Robert Masula, Building
8 Inspector for the City. I'm presenting case number
9 CE13080978 for the property located at 3316 Northeast 38
10 Street. The following pictures were provided to me; I would
11 like to submit them into evidence for the record.

12 [Inspector Masula displayed photos of the property]

13 This case was originally started on August 14, 2013
14 for a dock that was built without permits. This dock also
15 has electrical installed and attached to it, which this
16 electrical work was also done without the required permits
17 and is deemed to be unsafe. This dock is in disrepair; there
18 are parts of the dock that have broken free and are hanging
19 loose. The electrical has also broken free and is also
20 hanging loose.

21 You'll see in some of the pictures, some of the
22 stringers and the electrical conduit hanging. This dock and
23 the electrical poses a threat; it is a hazard to the
24 neighboring properties and the community. In the event of a
25 storm with high winds the dock material could become flying

1 debris. It could also cause damage to boats in the waterway
2 area.

3 We are asking for the Board to find for the City
4 this dock is in disrepair, it has become unsafe and to order
5 the property owner to have it demolished within thirty days.
6 Thank you.

7 CHAIR WEYMOUTH: Any questions for the Inspector
8 before we hear from the respondent?

9 MR. LARSON: I have one. Inspector, do you know if
10 any of the dock has fallen into the canal?

11 INSPECTOR MASULA: Sir, I can't give you a straight
12 yes or no on that. I would imagine, the way it has broken
13 off, at some point I would imagine some of the decking
14 probably has fallen into the water.

15 MR. LARSON: Okay. I just wondered, you know that
16 -- thank you.

17 CHAIR WEYMOUTH: Is there a respondent for this
18 case that would like to be heard on this?

19 MR. HOPKINS: Yes.

20 CHAIR WEYMOUTH: Step up please, introduce yourself
21 sir.

22 MR. HOPKINS: Yes, this is, I'm John Hopkins here,
23 for the respondent. I've spoken to, I've been to the
24 property and spoken to my clients about hiring a contractor
25 to -- actually, because they don't have a boat and they did

1 not install this dock, it was there before they even bought
2 the property. I have talked to them about basically hiring a
3 contractor to remove the pieces that are hanging there. They
4 don't need a dock; they don't have a boat. And so that's
5 what we're in the process of doing.

6 They had a problem going all the way back to the
7 hurricane in 2005 with a lot of this property and they lost
8 their business from a financial standpoint in the recession
9 in 2008 and such. So I am on it, I have talked to them and
10 they're agreeing to get a contractor to remove the dock.

11 I guess it could be repaired I guess it becomes a
12 function of what's, what the Board really wants. I guess
13 maybe, we don't have the estimates yet on what is cheaper to
14 repair or to remove it entirely.

15 CHAIR WEYMOUTH: Okay.

16 MR. HOPKINS: I would, have you [speaking to
17 Inspector Masula] spoken to the respondents at all? I don't
18 know if the Inspector's spoken to them.

19 INSPECTOR MASULA: I've had no contact from the
20 property owner.

21 CHAIR WEYMOUTH: Okay. Mr. Hopkins one of the
22 Board members has a question for you. Or, at least one of
23 them does.

24 MR. HOPKINS: Sure.

25 MR. JARRETT: So therefore, you're here to ask for

1 an extension, is that what you're asking for?

2 MR. HOPKINS: Yes, a little bit of time because I
3 just got this notice. It was just noticed to me as I was
4 walking in you, and started the hearing. End of July, it was
5 sent out on July 16. I got after July 23 postmark.

6 MR. JARRETT: Well, you can see by the pictures
7 there's not much question about it's unsafe.

8 MR. HOPKINS: No issue.

9 MR. JARRETT: We can't find anything else but
10 unsafe.

11 MR. HOPKINS: Agreed.

12 MR. JARRETT: We could give you a thirty-day
13 extension, if that's what you're asking for.

14 MR. HOPKINS: Sure. I --

15 MR. JARRETT: Now, you realize in order for that to
16 be of any benefit to you your client would have to obtain the
17 services of a contractor, an engineer --

18 MR. HOPKINS: Agreed, agreed.

19 MR. JARRETT: -- and have to have a building permit
20 application on file before our next Board meeting.

21 MR. HOPKINS: And when is your next Board meeting?

22 MR. JARRETT: Otherwise, we're going to order
23 demolition.

24 MR. HOPKINS: And I think if --

25 MR. JARRETT: If the Board decides to do this.

1 MR. HOPKINS: And my understanding is from your
2 side, that's going to get costly. If you've got to order
3 demolition, we're talking about fines, we're talking about
4 penalties, we're talking about your group coming in and doing
5 something. It's going to be much more cost-effective if we
6 do it.

7 MR. JARRETT: Absolutely correct. He, you can hire
8 that demo contractor much less than what you're going to pay
9 for it.

10 CHAIR WEYMOUTH: The next Unsafe Structures Board
11 meeting is September 18, 2014.

12 MR. HOPKINS: September 18?

13 CHAIR WEYMOUTH: Yes sir. Any other questions for
14 the respondent? I will offer an observation, especially
15 knowing that there is potentially a storm out there forty-
16 eight hours away. I personally, the way I look at this is
17 that we need to make this safe. The way to make it safe is
18 to get rid of the existing dock --

19 MR. HOPKINS: Agreed.

20 CHAIR WEYMOUTH: -- and terminate the electric.
21 Not necessarily the pilings --

22 MR. HOPKINS: Correct.

23 CHAIR WEYMOUTH: -- because I don't think they're, I
24 think they're anchored into the river. But me personally, I
25 would rule in favor of a demolition, giving you guys the

1 option to do it in thirty days and if you don't, the City'll
2 do it. To get a demo permit for this, I think you could walk
3 it through. I think you could have this pretty quickly.
4 Correct me if I'm wrong Inspector, or I don't know if we have
5 somebody else here from the Building Department. But to get
6 the demolition permit for this I think could be gotten very
7 quickly.

8 And so, I would tell you that I'm not really in
9 favor of giving you thirty more days because then if they
10 don't do what they're supposed to do then we do order a
11 demolition and now it goes out yet another thirty days.

12 MR. HOPKINS: Well, I would offer this to you. If
13 we get into a problem with a contractor and scheduling and
14 all these things and we've done everything we can do -- let's
15 say we've gone in, we've got the demo permit but from a
16 scheduling standpoint they can get people in there or they
17 can't get a, maybe a barge in there needs to do something --
18 it's not exactly done in thirty days, then we're doing what
19 we're supposed to do but we're kind of being penalized. So
20 that's all I'm asking for from you.

21 CHAIR WEYMOUTH: Well, understand that we're here
22 on behalf of, not necessarily just this property owner but
23 all of his neighbors.

24 MR. HOPKINS: Right.

25 CHAIR WEYMOUTH: And if that storm happens to come

1 up next week and there is eighty or ninety mile an hour winds
2 and the unsecured timbers go flying through a neighbor's
3 window -- I hear what you're saying but understand the
4 difficult position that we're in.

5 MR. HOPKINS: But, and I appreciate that but I
6 think -- go ahead, go ahead.

7 INSPECTOR MASULA: Excuse me sir, if I could just
8 add something. Technically this dock, the electrical work
9 was installed without a permit. It does not need a demo
10 permit to be removed.

11 CHAIR WEYMOUTH: But what about this, what about
12 the wood structure, what about the timbers that are there?

13 INSPECTOR MASULA: No sir, they would not need a
14 demo permit.

15 CHAIR WEYMOUTH: Okay.

16 INSPECTOR MASULA: So we would allow them to
17 completely remove it, we would make a follow-up site visit to
18 confirm it was removed and then comply the violation.

19 MR. HOPKINS: Okay.

20 CHAIR WEYMOUTH: So literally, they could have
21 somebody go out there tomorrow and demo it. Not necessarily
22 hire a contractor to replace it.

23 MR. HOPKINS: Well, get somebody scheduled. But to
24 address your potential hurricane thing in the next five days,
25 I just got back in town so I don't know what's out there but,

1 so I'd say to meet that in the next five days or three days
2 or whatever with a weekend coming up, wow. We'll do
3 everything we can. I'll advise my clients to get it done and
4 get it out of there and you don't need a permit to get
5 somebody hired right away and to get this done and finished
6 with as soon as possible.

7 CHAIR WEYMOUTH: I think ideally it would be to get
8 it out tomorrow would be nice. Alls I'm saying is, my
9 personal opinion, if it comes to a vote of giving you an
10 extension I'm going to vote no because that just prolongs it
11 if they don't, if if if, if they don't get any of this, then
12 it goes out sixty days and --

13 MR. HOPKINS: Well, and I appreciate that I guess.
14 Maybe what I'm asking for is let's have it done with, have it
15 finished and done in the next thirty days, I guess, instead
16 of an extension because I don't know how I can get it done
17 five days.

18 CHAIR WEYMOUTH: The order that we would give would
19 give you that leeway. You would have thirty days to demolish
20 it or make it safe, otherwise the City will. That's the way
21 it's written.

22 MR. HOPKINS: And I guess that now that I've been
23 told I don't have to have a permit, I don't have to come in
24 and do the permitting process and all that I guess that's --

25 CHAIR WEYMOUTH: You don't need a permit to

1 dismantle it. You would need a permit to replace the dock.

2 MR. HOPKINS: Got that. And I don't think, they
3 don't have a boat and I think, like you say we need to make
4 it safe and get out of there --

5 CHAIR WEYMOUTH: Yes.

6 MR. HOPKINS: -- so the other neighbors aren't
7 hassled.

8 CHAIR WEYMOUTH: Okay. Any other.

9 MR. HOLLAND: Yes, just for knowledge, there's an
10 assumption by County law that it's unsafe because it wasn't
11 permitted when it's installed. So those piers, they're not
12 long enough or deep enough or could very well be
13 inappropriate for any future plans. So those going along
14 with the rest of it is probably a good thing.

15 MR. HOPKINS: I guess, one more question on this
16 thing, because I know what they're going to talk to me about,
17 you know, the most economical way to do this. So, I guess
18 the question could be if it's more economical to just make it
19 somewhat safe rather than tearing the whole thing out.

20 MR. HOLLAND: He raises a good point. That loose
21 decking is something that could come out with man labor --

22 MR. HOPKINS: Sure.

23 MR. HOLLAND: -- at not a great expense.

24 MR. HOPKINS: Right, right.

25 MR. HOLLAND: And get rid of the wind-blown threat.

1 I think that piers are not as bad but for navigation, if they
2 start going over because they're unbraced, [inaudible]
3 problems.

4 MR. HOPKINS: But nobody's --

5 CHAIR WEYMOUTH: That's something that I think is
6 up for the owner to discern or decide. I think we need to
7 make a decision --

8 MR. HOLLAND: You raise a good point, Mike I'm kind
9 of not sure that I'd want people wailing away with demolition
10 in the canals without a permit but if that's the case, things
11 should be done properly even more so in navigable waterways
12 in my opinion but if they don't need a permit just -- I can
13 imagine the decking can come out but maybe as far as a barge
14 and things like that --

15 CHAIR WEYMOUTH: For pulling --

16 Mr. Phillips arrived at 3:12]

17 MR. HOPKINS: Because the way I'm thinking about it
18 now, to work as fast as you want the work done, to get a wood
19 guy out there to get loose impediments, get loose stuff out
20 of there, to get the electrical tied down, to get it to it's
21 at least safe in the next couple weeks, I think that's what
22 we would all agree should be done immediately.

23 CHAIR WEYMOUTH: That is the concern of this Board,
24 yes.

25 MR. HOPKINS: Okay. So, I'm not necessarily going

1 to say we're going to tear it out because I'm now thinking
2 that this can be done a lot faster and a lot cheaper and a
3 lot more economical to satisfy you guys to get somebody out
4 there and get stuff pounded down and get it nailed down and
5 get it at least to get through the hurricane season here in
6 the next thirty days.

7 MR. HOLLAND: Oooo, I don't think I quite like
8 that.

9 CHAIR WEYMOUTH: Let's not determine what the
10 remedy is. Obviously, I think he understands what we're
11 looking for and it's not us you have to satisfy, it's the
12 City, the Building Department.

13 MS. HASAN: Mr. Chair, if I could?

14 CHAIR WEYMOUTH: Yes ma'am.

15 MS. HASAN: Thank you. For purposes of the record
16 Rhonda Montoya Hasan with the City Attorney's office. This
17 violation is from 2013. The Building Official and myself
18 actually went out with Marine Patrol and viewed the dock in
19 July of 2014. Sorry, I thought everyone could hear me
20 anyways. It is extremely deteriorated, it continues to
21 deteriorate since I joined the City in May of this year.

22 The City's position is that the dock, the structure
23 should be demolished, the electrical elements should be
24 capped off and again, as the Inspector said, the whole
25 installation was done without permits so it cannot be

1 repaired as such, it would have to be a new permit with all
2 the engineering aspects of that, go through all of the
3 regulatory reviews, Army Corps of Engineers, the State, the
4 County and the City.

5 This property is also in foreclosure currently as
6 well. So again it's the City's great concern that if and
7 when that foreclosure does take place and the occupants are,
8 or leave the property that it's going to sit further. So
9 it's the City's position that it should be demolished within
10 thirty days, and failing that the City will step in and
11 handle that demolition.

12 CHAIR WEYMOUTH: Very good.

13 MR. CROGNALE: Mike, comment?

14 CHAIR WEYMOUTH: Joe?

15 MR. CROGNALE: If my observation's correct and what
16 Mr. Masula says that it doesn't require a permit to demolish
17 it, this looks like it's just a one-day job, just a little
18 bit of horsepower to it and one day it's out of there. So
19 it's not a complicated thing from my vision.

20 CHAIR WEYMOUTH: Okay. Any other questions or
21 comments? Thornie, I mean --

22 MR. LARSON: Joe, I agree with you it's a one-day
23 deal to get that thing done; it's not a big issue. With my
24 background experience you can do that in eight hours or less,
25 probably six if you've got the right equipment. And I'm not

1 going to vote for anything to extension this thing because
2 it's been going on too long.

3 CHAIR WEYMOUTH: Okay.

4 MR. LARSON: And it needs to come out of there and
5 the quicker you can do it the better off, you can save
6 yourself problems down the road. You can hire somebody to
7 come in and three or four guys will tear that out real quick,
8 make it safe. I'm not concerned about the pilings that are
9 out in the -- the dolphins that are out there; those will
10 probably stand through any hurricane. But if you can get
11 them out, fine, if you can't, I'd settle for the rest.

12 MR. HOPSKINS: Okay.

13 CHAIR WEYMOUTH: Alright, any other --

14 MR. HOLLAND: Anybody from the public?

15 CHAIR WEYMOUTH: Well, I don't know, I was going to
16 go on, before I wanted to release this respondent so, is
17 there anybody else that wishes to be heard on this matter?
18 Sir, if you'd step up to the podium, introduce yourself
19 please?

20 MR. HOLMES: I'm John Holmes, I'm president of
21 Bermuda Riviera Association. I want to state up front that
22 I'm totally against any extension on removing this dock. It
23 is a marine hazard. There are two million dollars' worth of
24 boats in that canal. This gentleman named Steve Tate across
25 the street that is fifty yards away from this dock who has an

1 eighty-five thousand dollar boat who lives in fear. I'm a
2 boater, I live a canal away. I went by the dock yesterday, I
3 observed boards in the water. I have also been told by other
4 homeowners that boards have fallen in.

5 I'm sorry to be dramatic, the guy for years has had
6 a mooring whip supporting the dock tied to his rail on his
7 pool. I mean really! And I further state that it's a marine
8 hazard and we have two hundred waterfront homes in our
9 community -- Ally's here. We're a two hundred fifty-two
10 waterfront community on Galt Ocean Mile, Bermuda Riviera. We
11 have two hundred waterfront homes. It's my responsibility as
12 the board president to protect my members' properties.

13 And this property is just been wasting away since
14 2005 hurricane Wilma remember that, October? That's when
15 this whole thing happened. The man doesn't own a boat, it's
16 never, I've never seen a boat there and again as I repeat, I
17 go by in my boat probably once a week and I look at it and I
18 take pictures.

19 I'm also familiar with dock construction, happen to
20 be on the Marine Advisory Board. And it is just a simple
21 rip-out like you said. It's four hours. Just get rid of the
22 two-bys. Leave the pilings there. That's up to you guys and
23 that's up to the City. But the two-bys are what falls in the
24 canal, that hurts our boats, that hurts boats on the
25 Intracoastal, that ends up in places on the Intracoastal

1 during marine pickup. So, I am totally against extending any
2 extension. This is a four-hour job. It's just a rip-out.

3 CHAIR WEYMOUTH: Mr. Holmes?

4 MR. HOLMES: Yes.

5 CHAIR WEYMOUTH: Do you know if the Cohens live
6 there? Is the property vacant?

7 MR. HOLMES: No, they live there.

8 CHAIR WEYMOUTH: Okay.

9 MR. HOLMES: But no one can contact them; they
10 evade people and I'm not saying that in a malicious way.

11 CHAIR WEYMOUTH: Understood.

12 MR. HOLMES: But I've tried to talk to them many
13 times, the door's unanswered. I've tried to be a friendly
14 board president. But I've got this poor guy that lives
15 across the canal from him, fifty yards away that has this
16 beautiful boat that is just scared to death. I mean, okay,
17 it's dramatic that there's a hurricane coming in in maybe two
18 weeks. How many false scares have we had about that? I've
19 been living with this since 2005. This dock is just falling
20 apart.

21 CHAIR WEYMOUTH: Right.

22 MR. HOLMES: And the guy doesn't need the dock; he
23 doesn't have a boat!

24 CHAIR WEYMOUTH: Okay.

25 MR. HOLMES: I just don't understand that. Anyway,

1 I'm sorry.

2 CHAIR WEYMOUTH: It's alright.

3 MR. HOLMES: So, any questions for me?

4 MR. CROGNALE: Yes, I have one question.

5 CHAIR WEYMOUTH: Go ahead Joe.

6 MR. CROGNALE: Yes, I have a question. The only
7 issue before this Board is the dock. The disrepair of the
8 property is immaterial or irrelevant.

9 MR. HOLMES: Oh, I agree.

10 MR. CROGNALE: That's irrelevant.

11 MR. HOLMES: Understood.

12 MR. CROGNALE: I don't believe this Board has the
13 mechanism -- correct me if I'm wrong, legal -- to immediately
14 demolish something. We have to go through the process. The
15 process is, thirty days or immediately have the City do it if
16 it's life and limb. Those are the only options we have as a
17 Board.

18 MS. HASAN: The Board does have the authority, in
19 my opinion, to order a shorter timeframe than thirty days if
20 the Board chooses.

21 MR. CROGNALE: Yes, that's what we have is we have
22 that window of thirty days.

23 MR. PHILLIPS: Can I ask a question? Mr. Hopkins,
24 who do you represent?

25 CHAIR WEYMOUTH: Hey Jack, just for the record

1 would you reflect that Mr. Philips joined the Board at 3:12?

2 Thank you.

3 MR. PHILLIPS: Mr. Hopkins who do you represent,
4 the bank?

5 MR. HOPKINS: As I stated when I came up, I
6 represent the owners of the home, the respondents here.

7 MR. PHILLIPS: Okay. Huh.

8 MR. HOPKINS: And I think I would also like to
9 offer -- and I appreciate what Mr. Holmes -- I'm here to
10 assist and I represent them and to rectify the situation.
11 But this isn't since 2005, I've been just noticed on this
12 recently. I'm here to assist and make this work. I've
13 already been to the property and I've talked to my clients
14 about it. We've got to get this done.

15 And I have no problem. And I appreciate the Board
16 telling me, hey you don't need a permit here we've just
17 figured that out. If I don't need that and I don't need to
18 go through the City, give me the thirty days to get this done
19 and I will work on getting them to do it in short order in a
20 lot shorter order. I just want to get in, don't get into
21 real scheduling issue, that's all.

22 CHAIR WEYMOUTH: Well, the deterioration of this
23 dock didn't happen overnight and it probably didn't happen
24 over the month and it probably didn't happen over the last
25 year but regardless that's not what we're here to do.

1 MR. HOPKINS: Correct.

2 CHAIR WEYMOUTH: So, if there's no more questions
3 let's not belabor the point and bring it back to the Board.
4 Any other questions? Any other people that want to testify
5 on this? Okay.

6 MR. HOLLAND: Okay, I move that we find the
7 violations exist as alleged and that we, and that exist as
8 alleged, and that we order the property owner to demolish the
9 structure within the nominal thirty days and that we order
10 the City to demolish the structure should the property owner
11 failed to timely demolish. Such demolition is to be
12 accomplished by a licensed demolition contractor pursuant to
13 a City issued demolition permit.

14 CHAIR WEYMOUTH: You may need to amend that because
15 --

16 MR. CROGNALE: Comment?

17 CHAIR WEYMOUTH: -- there isn't a City issued
18 demolition permit required.

19 MR. HOLLAND: I guess if that's what we are hearing
20 we'd need --

21 CHAIR WEYMOUTH: Or you can just say should it be
22 required.

23 MR. HOLLAND: Yes, should it. Yes, I'll change it,
24 should it be required.

25 MR. PHILLIPS: Second.

1 CHAIR WEYMOUTH: Alright, we have a motion and a
2 second, any further discussion before we vote on the matter?
3 Yes sir.

4 MR. LARSON: I'm wondering, I'm a little concerned
5 about the thirty days. I'm wondering if we can't put a
6 fifteen day period on that, to achieve --

7 CHAIR WEYMOUTH: We have a motion and a second and
8 so, if you want to do something different you probably need
9 to vote --

10 MR. PHILLIPS: I'd like to withdraw my second so
11 there could be a friendly amendment.

12 MR. HOLLAND: Yes, I would accept the friendly
13 amendment to fifteen days.

14 MR. PHILLIPS: Second.

15 CHAIR WEYMOUTH: Okay, any further discussion?
16 Alright, all in favor say aye.

17 BOARD MEMBERS: Aye.

18 CHAIR WEYMOUTH: Any opposed? Your client's got
19 fifteen days to take it out otherwise the City will address
20 it. Thank you Mr. Hopkins, thank you Mr. Holmes.

21 MR. HOLMES: Thank you, Board.

22 CHAIR WEYMOUTH: Madam?

23

24 **2. Case: CE14061544**

INDEX

25 **FITZGERALD, BRADFORD W &**

FITZGERALD, ROSLYN

4404 NE 23 AVE

MS. PRYOR: Alright, next case is on page four on your agenda. Case number CE14061544, Inspector Robert Masula, case address 4404 Northeast 23 Ave., the owner is Bradford or Roslyn Fitzgerald.

The notice of violation posted on property 7/30/14, advertised in Daily Business Review on 8/1/14 and 8/8/14. Certified mail is noticed on your agenda.

MS. HASAN: Good afternoon Mr. Chair, members of the Board, I'm going to be presenting this case on behalf of the City and the inspector and the Building Official are here to answer any questions. We're going to run some photographs, thank you.

[Ms. Hasan displayed photos of the property]

The Notice of Violation of in this case was issued based upon an inspection on the June 20, 2014. I want to wait for the pictures for a moment. The complaint was originated from the neighborhood. The inspector went out, found that this -- well, a little bit of background -- this properties in currently in foreclosure; it's not occupied.

Part of the complaints from the neighborhood where police oriented in nature in that kids were gathering both inside and outside of the property with alcohol and drugs in fairly large numbers. That has been referred, of course,

1 over to the major in patrol.

2 Part of the -- as you see, there's several problems
3 with the property. Both the Building official, myself and
4 the Code Compliance Director went out personally on Monday.
5 The Building Official went out again as you can see at 7:30
6 this morning to take additional photographs. There are
7 several life safety concerns on this property --

8 MR. PHILLIPS: Excuse me, can I just interrupt for
9 a second? When you're mentioning life safety concerns, I
10 think it's more appropriate that it not be based on your
11 observation as a lawyer but the -- just for clarity of
12 record.

13 MS. HASAN: Okay, well, correct. I appreciate that
14 the --

15 MR. PHILLIPS: I'm just, you know what I'm talking
16 about.

17 MS. HASAN: I do. The Florida Building Code
18 violations are listed in the Notice of Violation. And again,
19 there are many neighbors from the neighborhood that would
20 like to speak and Commissioner Roberts is also here and has
21 been very involved in the process of forwarding the
22 complaints both to my office and to the appropriate
23 departments for further action and follow-up.

24 The swimming pool, as you could see, is unsecured
25 and unsafe. Obviously the City is concerned with that

1 element of the property because if you've got not only kids,
2 it's open, it's an open property to the golf course. As you
3 can see, it's not, the property itself is not fully fenced
4 in. We're concerned about general safety as well as the
5 safety of the kids that are illegally congregating in and
6 around the property.

7 On that issue, just to take them a little bit
8 separately, the City is going to ask for ten days to repair
9 that pool fence because it's really a small issue that can be
10 immediately taking care of. In addition, I think you saw in
11 some of the prior pictures there is a stack of what appears
12 to be roof tiles in the back of the property right near the
13 pool. The City would also like those removed within ten
14 days.

15 Finally, there are two holes in the roof that you
16 can see in the plywood sheathing, got some good close-ups
17 there. There's many, many loose tiles on the roof that could
18 potentially be very dangerous in a storm; they could fly
19 around. The gutters also are sagging and hanging off the
20 property. So on those elements the City is asking two
21 things: to repair the roof the two holes within thirty days
22 and also for the property owner to submit a complete report
23 from a licensed roofing contractor detailing the structural
24 integrity of the roof.

25 There is some areas, there are some areas, rather,

1 of sagging. It's a little difficult with the loose tiles and
2 with not having access to the interior of the property to
3 know what the status of that roof is. The holes have been
4 there, it is our understanding, for some time and you can, if
5 you go up close to the property you can smell the
6 deterioration from the inside.

7 The inside is also open to the elements; they are a
8 number of pieces of the house hanging. But there has, there
9 was a demolition permit obtained for interior demolition a
10 few years ago that was approved and received final
11 inspections.

12 So just to recap, the City would like ten days for
13 the property owner to secure the pool, to remove the roof
14 tiles which are a hazard, to repair the two roof openings
15 within thirty days or failing that of course that the City
16 would go in and make those holes watertight and safe and to
17 present to the City for its review and consideration a report
18 on the full roofing system by a licensed roofing contractor.

19 And if you have any technical questions on the
20 nature of the violations the Building Official has visited
21 the property, as I mentioned, twice and the Inspector, of
22 course, also has visited the property. Thank you. And I know
23 there are a number of neighbors that would like to speak on
24 the issue.

25 CHAIR WEYMOUTH: Okay. Are there any questions for

1 counsel before --

2 MR. JARRETT: I have one.

3 MS. HASAN: Yes sir.

4 MR. JARRETT: I question the City asking for a
5 report from a licensed roofing contractor. I feel that should
6 be an engineer.

7 MS. HASAN: We -- that's a question for the
8 Building Official.

9 MR. HERNANDEZ: A licensed engineer would be
10 acceptable.

11 CHAIR WEYMOUTH: Please introduce yourself.

12 MR. HERNANDEZ: Alex Hernandez, Building Official.

13 CHAIR WEYMOUTH: Thank you, sir.

14 MR. HERNANDE: A licensed engineer would be
15 acceptable.

16 CHAIR WEYMOUTH: Any other questions for the City
17 before we hear from any of the respondents? Are the owners
18 here? I'm sorry, before you speak sir just a quick question
19 for the City. When you were out there inspecting it this
20 morning and the child fencing around the pool, is it just
21 dislodged or is it broken? Because that could have been
22 where somebody took it out of the anchor hole and just put it
23 to the side. Is it in disrepair?

24 MR. FITZGERALD: It's been fixed since then.
25 Here's the pictures were taken.

1 CHAIR WEYMOUTH: The child fencing; the mesh
2 fencing that goes around the pool.

3 MR. HERNANDEZ: Okay. The fence was in disrepair
4 this morning.

5 CHAIR WEYMOUTH: Alright.

6 MR. HERNANDEZ: He's showing pictures that it's
7 been repaired since then this afternoon.

8 MR. FITZGERALD: What happened to that is that the
9 kids broke the actual -- you know how this just --

10 CHAIR WEYMOUTH: Just a second, because we're going
11 to need you to introduce yourself and all that so.

12 MR. FITZGERALD: I'm sorry.

13 CHAIR WEYMOUTH: Alright sir, if you'll please
14 introduce yourself.

15 MR. FITZGERALD: My name is Bradford Fitzgerald,
16 I'm the property owner.

17 CHAIR WEYMOUTH: Okay.

18 MR. FITZGERALD: The fence was fixed this morning.
19 The kids broke the fence. I guess they've been partying in
20 the backyard. This house has been under contract several
21 times. It's currently under contract --

22 CHAIR WEYMOUTH: To be sold?

23 MR. FITZGERALD: -- to be sold at the full
24 principal payoff to the bank. The bank and I have been
25 fighting on this about, basically the bank has not responded

1 to any offers. We've had it under contract several times.
2 The offer on the table right now is 100% of the principal is
3 being paid to the bank.

4 We finally have a law firm that has actually been
5 assigned. This is the seventh law firm for the bank. So it
6 is under contract. The people that are buying a house plan
7 on demoing the house and building a new house there.

8 So, I apologize to all the neighbors about the
9 house. It's been a circumstances of the economy and then for
10 the past two years and eight months I've been going through
11 stage four cancer and just the house is not in question for
12 my family anymore.

13 We did demo the inside of the house, pulled a demo
14 permit on it. There is a full set of plans done by by
15 Randall Stofft to put the house back together again and I
16 don't know if the buyer's going to use those plans or, I know
17 for sure he's either going to rip the roof off completely or
18 he is going to go ahead and demolish the house.

19 We did get a roofer too -- Earl Johnson Roofing --
20 I have a copy of the contract here for City. And I have
21 these pictures for the City also.

22 [Mr. Fitzgerald distributed photos of the property]

23 This is a copy of the contract to repair the roof
24 in full by Earl Johnson Roofing who is a excellent roofing
25 contractor. And those -- you can keep all that stuff for

1 you. So, the repairs will be done. If it was a rainy season
2 repairs would have been done by now. But because of rainy
3 season, and ripping roofs off and putting new roofs on he's
4 scheduled to be out there within the next two weeks. He said
5 it'll probably only take about three to four days to
6 everything completely finished and the roof to be totally
7 dried in.

8 And then the pool fence was put back together again
9 and then they are going to be replacing a couple of the
10 pieces. A pool fence company was hired to, they're going to
11 replace some of the sections where the poles were actually
12 just sheared off from kids playing out there.

13 CHAIR WEYMOUTH: Is your conversation with the
14 roofing company addressing also the loose tile that are on
15 the ground in the back?

16 MR. FITZGERALD: Yes, they're going to take care of
17 everything, yes.

18 CHAIR WEYMOUTH: So, what you're telling this Board
19 is that you would anticipate all the violations being
20 addressed in twenty-one days.

21 MR. FITZGERALD: Yes sir.

22 CHAIR WEYMOUTH: Any questions for the respondent?

23 MR. PHILLIPS: Mr. Fitzgerald, this is a short sale
24 submission to the bank I guess?

25 MR. FITZGERALD: It's, the short sale, it's not

1 really foreclosed, actually the short sale, and the short
2 sale is basically over interest and attorney's fees. I've
3 been maintaining the lawn, I have a pool company goes out and
4 takes care of the pool.

5 MR. PHILLIPS: No, I'm saying the contract is --

6 MR. FITZGERALD: The contract is, the bank is
7 getting one hundred percent of the principal paid on the
8 loan.

9 MR. PHILLIPS: Alright, that normally takes months
10 before that's --

11 MR. FITZGERALD: They've had, this offer has been
12 executed -- I brought a copy of the contract with me also.
13 The contract was signed on this on 7/15. The good news is,
14 at two o'clock this afternoon I had a appointment with the
15 appraiser at two o'clock this afternoon which means the bank
16 is actually working on it. Because when they send out an
17 appraiser -- properties been appraised six times in the last
18 so many years.

19 MR. PHILLIPS: Is it in foreclosure right now?

20 MR. FITZGERALD: It's in foreclosure because I
21 stopped making payments on it because no one would talk to
22 me.

23 MR. PHILLIPS: Is there a sale date set?

24 MR. FITZGERALD: No, no, there's no sale.

25 MR. PHILLIPS: Oh, okay.

1 MR. FITZGERALD: I told them I would do anything
2 they wanted to do. They're getting paid one hundred percent
3 of the principal on the mortgage. I'm losing seven hundred
4 thousand dollars on this transaction. So the bank's getting
5 one hundred percent principle and I'm losing my entire life
6 savings, so.

7 CHAIR WEYMOUTH: Any other questions for the
8 respondent?

9 MR. PHILLIPS: How much time do you think you need
10 Mr. Fitzgerald?

11 MR. FITZGERALD: Two to three weeks at the most.
12 As soon as the roofer gets done everything will be done. The
13 pool guy said he can have it fixed within one week he'll have
14 the things up.

15 CHAIR WEYMOUTH: Anyone else? I have a question
16 back to the City.

17 MS. HASAN: Yes sir.

18 CHAIR WEYMOUTH: If you enlighten me what a
19 decision of this Board would have from an impact on the sale
20 of his property with where they're at in trying to sell it
21 right now. It sounds to me like he has some genuine interest
22 and he has got a signed contract with a roofer to address
23 this. I would hate to see a knee-jerk decision of this Board
24 upset a potential deal.

25 MS. HASAN: No, and I understand that Mr. Chair.

1 The City at this time isn't asking for any demolition. We're
2 just asking for an order with a fairly short timeframe to
3 repair and failing the property owner repair and/or the sale
4 not go through as one of the members indicated, sometimes
5 short sales do take a length of time and I do understand from
6 reviewing the docket sheet that bank has not only gone
7 through many different entities but also a lot of different
8 attorneys have come and gone.

9 The City would go in and make those repairs failing
10 the property owner's failure to act but most of them are, in
11 the Building Official's opinion, pretty simple fixes that can
12 be done in a short amount of time.

13 MR. FITZGERALD: Excuse me Michael, when she got up
14 and spoke earlier she was asking for thirty days for the
15 property --

16 CHAIR WEYMOUTH: No, ten days, I believe.

17 MS. HASAN: Ten, yes, it was ten and thirty.

18 MR. FITZGERALD: Ten for the pool fence --

19 CHAIR WEYMOUTH: Ten for the pool and thirty for
20 the roof. Okay.

21 MS. HASAN: And the roofing tile.

22 MR. FITZGERALD: And that --

23 CHAIR WEYMOUTH: And he is indicating that he's
24 already addressed the pool issue. Correct?

25 MR. FITZGERALD: I've addressed it and the two

1 sections where the poles are totally broken, they'll be
2 replaced within a -- I can meet the timelines no problem.
3 There's no objection to her timelines.

4 CHAIR WEYMOUTH: Okay. Any other questions for the
5 respondent?

6 MS. HASAN: And the only other caveat Mr. Chair is
7 my fault, I forgot was that there are some unsecured openings
8 that the Building Official notice this morning. There is, if
9 you saw in the pictures there is an extension cord that has
10 one of the windows open and there's another window that's
11 also partially open so we would also ask that those be
12 properly secured.

13 CHAIR WEYMOUTH: Are those noted in the complaint?

14 MS. HASAN: Yes.

15 CHAIR WEYMOUTH: Those are noted in our -- okay.

16 MS. HALE: Are they in the back where the pull-
17 across shutters are?

18 MS. HASAN: They are located in the back.

19 MS. HALE: Could you use the pull-across shutters?

20 CHAIR WEYMOUTH: You know, without knowing what the
21 purpose of the extension cords are, it may be that it's
22 powering the pool pump because the pool pump wasn't
23 [inaudible].

24 MR. FITZGERALD: There's one extension cord and
25 it's actually, not actually sticking out the window.

1 MS. HASAN: Right, in this picture.

2 CHAIR WEYMOUTH: I saw it before.

3 MR. FITZGERALD: It's hitting behind there and that
4 is for my pool man to go out there and use some extra
5 equipment out there.

6 CHAIR WEYMOUTH: Alright.

7 MR. FITZGERALD: Because there's only -- most of
8 the electric in the entire house has been capped off. The
9 whole house is [inaudible] so most of it's been capped off.

10 CHAIR WEYMOUTH: I think this gets back a little
11 bit to what Mr. Phillips was indicating, the life safety
12 issue. I think we all have extension cords that we use out
13 back of our house so, I'm a little bit leery on how to rule
14 on this one, but.

15 MR. FITZGERALD: If you look at that picture right
16 there you see that extension cord that's actually not outside
17 of the house and if you want me to remove it totally I will
18 but then --

19 CHAIR WEYMOUTH: Sounds like it's be a good thing
20 to do.

21 MR. FITZGERALD: I will remove it but the pool man
22 will need an extension cord so I go back out there when he
23 needs it.

24 CHAIR WEYMOUTH: Alright. Are there any other
25 questions or comments to the respondent? I don't want to

1 deny anybody coming up to testify. It sounds like the City
2 is asking for a certain action, it sounds that the owner is
3 willing to abide by that. Anybody else want to be heard on
4 this matter? Yes sir. Please step up, identify yourself.

5 MR. MCCORMACK: Mr. Chairman, my name is Tom
6 McCormack, I'm an attorney in town and I'm a neighbor. And
7 first of all Mr. Fitzgerald, I'm sorry for your misfortune
8 and dealing with banks is no pleasure and your health
9 concerns. I'm sorry that you're having to go through that.

10 I don't really care about the interior of the house
11 but I have little kids that ride bikes up and down the
12 streets there; there are no sidewalks in Coral Ridge. And
13 there are a lot of other little kids that are around there.

14 Cars go flying by because apparently this is now
15 the new party house. A lot of criminal activity from what I
16 understand. There's other, Commissioner Roberts and a lot of
17 the neighbors are here to tell you more about that. I don't
18 live right next to the house but I think it should be
19 demolished.

20 And I hear the stage of where it's at with the bank
21 that means nothing's going to happen fast. I mean
22 everybody's probably been involved in situations and know how
23 the banks deal with time these days. There's no, from what
24 I've heard Mr. Fitzgerald say, there's no clear indication
25 that anything's going to happen within six months. We don't

1 have any contract, we don't have any date, we don't have
2 anything that's solid.

3 So I'm not going to take a lot of time but I just,
4 from my perspective that the criminal activity that's taking
5 place there is completely unacceptable and somebody's going
6 to get hurt.

7 CHAIR WEYMOUTH: Well, that's more of a policing
8 matter that neighbors or people who are witnessing this
9 should contact the Police Department. I'm sure that you guys
10 probably have a neighborhood association, maybe get somebody
11 from the Police Department out and talk to them and see if
12 there can't be some sort of a campaign to go with that, but
13 we have been asked by the City to address the roof and the
14 pool fencing and so to even consider complete demolition is
15 not in our purview.

16 MR. MCCORMACK: Okay. Well, I cede the rest of my
17 time to my neighbors.

18 CHAIR WEYMOUTH: Thank you.

19 MR. MCCORMACK: Thank you for your time.

20 CHAIR WEYMOUTH: Yes sir.

21 MR. FITZGERALD: Just for the neighbors that are
22 here and I know a few of the neighbors that are here, there's
23 been paperwork that's been signed with the Fort Lauderdale
24 Police Department and no trespassing signs posted on there so
25 if any children come the police actually came to my house

1 because they knew I was home sick, and the police officer
2 came to my house and actually filled out the paperwork for me
3 in my dining room with me. And there's no trespassing signs
4 posted on the house and there's paperwork down at the City of
5 Fort Lauderdale that if any kids are partying in the backyard
6 of the house the police have the right to arrest them or
7 remove them from the property.

8 CHAIR WEYMOUTH: So you have a no trespass
9 affidavit on file at the police department.

10 MR. FITZGERALD: There is a no trespass affidavit
11 filed with the City of Fort Lauderdale because we received
12 complaints about the children. I personally have gone over
13 there on Friday nights at eight o'clock, I've got over there
14 with a police officer and when we go there they're not there
15 and apparently when we leave, they come and they drink beer
16 in the backyard because the golf course is there, and there's
17 nobody in, because of the big golf course that's in the
18 backyard there, there's nobody there and they run onto the
19 golf course and run away.

20 But there is paperwork signed and filed at the City
21 of Fort Lauderdale Police Department saying no trespassing
22 and the police have the right to come on the property and
23 take anybody off of that property.

24 CHAIR WEYMOUTH: Alright, is there --

25 MR. LARSON: Mr. Chair?

1 CHAIR WEYMOUTH: Do you want to --

2 MR. LARSON: Yes, I want to -- Mr. Fitzgerald, I'm
3 sorry I didn't get to you sooner. You have a pile of extra
4 tile up there in the yard over there --

5 MR. FITZGERALD: That's for the pool deck.

6 MR. LARSON: Is there any reason why those tile
7 can't be moved into --

8 MR. HOLLAND: Yes, that's those are deck pavers, I
9 think.

10 MR. LARSON: Pardon?

11 MR. HOLLAND: Deck pavers.

12 CHAIR WEYMOUTH: No, I think the City brought up
13 that there's a pile of roof tile there and he has testified
14 that his roofing company will take those away.

15 MR. FITZGERALD: Yes.

16 MR. LARSON: That's why I wanted to be sure if he's
17 going to use them he could at least move them over --

18 MR. FITZGERALD: The papers are going to be used
19 again; that's why they were saved and piled up. The flat
20 tile pavers.

21 MR. LARSON: Yes. Because they're hard to get.

22 MR. FITZGERALD: They're only on inch, they're one-
23 inch pavers. The roof tiles will all be completely removed
24 from the property.

25 MR. LARSON: Okay, all right. As long as they're

1 going to be moved out that's all I care.

2 CHAIR WEYMOUTH: Yes ma'am?

3 MS. COPELIN: Hello, my name is Florence Copelin
4 and I reside directly across the street from his home. My
5 concern is that this home has been vacant for almost ten
6 years now. During the course of those ten years there been
7 several times that we thought the home would sell and repairs
8 would be made and every time it falls apart. That's why this
9 has taken so long before it's gotten to this point.

10 As far as just making repairs to the roof, there
11 are several other weakened areas that eventually are just
12 going to open back up again. There is a large number of
13 raccoons living in that roof that's open and they're coming
14 around and destroying property, destroying screens, tearing
15 up garbage, just making a mess in pools.

16 The pool fence -- I was there at one o'clock today
17 and it's still, I guess the poles are still broken so that is
18 definitely something that does need to be repaired. I have
19 three small children that live across the street. About two
20 months ago I did leave a voicemail for Mr. Fitzgerald which
21 he never returned. I would have appreciated at least the
22 courtesy of return phone call to let me know that he was
23 aware of the hole in the roof and that he was going to
24 address it. That never happened.

25 The partying, I know you're saying that that's

1 something as far as the police should be concerned about
2 that, but they're also causing property damage to the
3 surrounding properties because they're parking on our lawns,
4 damaging our sprinklers, damaging our pipes. The homeless
5 people that have resided on that property. I mean, I think
6 other than that, see, I don't understand what a repair, a
7 small repair is going to do.

8 CHAIR WEYMOUTH: Well again, and, I, and this is
9 probably for everyone here. Unfortunately, not
10 unfortunately, fortunately, we are only tasked to deal with
11 the complaints that are brought to us by the City. All these
12 other things, they need to be addressed with the Police
13 Department. We're not here to rule on trespassing and that
14 kind of thing.

15 MS. COPELIN: Okay.

16 CHAIR WEYMOUTH: So, the house is open and
17 unprotected, then the City would bring that to us as a matter
18 of something to address. But here and now, and quite
19 frankly, not having a crystal ball but getting a sense of
20 what's going on, this is going to rule somewhat like the
21 other case in that it sounds like the owner of the property
22 is wanting to cooperate and get the items addressed that the
23 City is concerned about. And if he doesn't, then the City is
24 going to do it. So, I think that you guys are on a path to
25 have your items addressed.

1 MS. COPELIN: Right.

2 CHAIR WEYMOUTH: Whether it's by Mr. Fitzgerald or
3 by the City of Fort Lauderdale.

4 MS. COPELIN: Okay. But I feel that just repairing
5 those holes is not going to be enough. There's just going to
6 be further issues because there will be more holes in that
7 roof within a short amount of time. I don't think it will
8 hold up for very long.

9 CHAIR WEYMOUTH: Well, the roofing contractor will
10 need to pull a permit to repair it and he will need to make
11 it in a safe condition. That's going to be the requirement
12 of the Building Department. So if that is not the case,
13 well, it is the case, because that's what the City's going to
14 require. We can't necessarily ask them to replace the roof
15 if the City hasn't told us that the roof is in disrepair. I
16 mean that's not fair to Mr. Fitzgerald.

17 MS. COPELIN: Okay. And how do we find out? Do we
18 have to have a specialist out there to say that it's in
19 disrepair?

20 CHAIR WEYMOUTH: Well, just like it was mentioned
21 earlier that there will be an engineer that will go out and
22 evaluate the condition of the roof.

23 MR. LARSON: Mr. Chairman?

24 MS. COPELIN: Okay. Because I do feel that needs
25 to be replaced and not just repaired at least.

1 CHAIR WEYMOUTH: Right, no, that's at the
2 discretion --

3 MS. COPELIN: Okay.

4 CHAIR WEYMOUTH: -- of whoever's doing the report.

5 MS. COPELIN: So, something that will be further
6 looked into then.

7 CHAIR WEYMOUTH: That's between the Building
8 Department and --

9 MS. HASAN: Right. That's what we wanted the
10 signed and sealed report. And the Building Official will
11 evaluate that and if it necessitates --

12 MR. CROGNALE: Comment, Mike?

13 MS. HASAN: -- complete replacement or something in
14 between, then we'll reevaluate that and perhaps bring that
15 back to the Board also.

16 CHAIR WEYMOUTH: You know, just like with the dock
17 before, it is, we are here for your benefit.

18 MS. COPELIN: Okay.

19 CHAIR WEYMOUTH: Okay? So, we can only move so
20 fast. If we make requests that are either out of bounds, it
21 gives them a reason to come back and challenge us or they
22 can't perform it. He's got a signed contract with a roofing
23 contractor to address the concern. And that's something,
24 that's something to hang your hat on. And sounds like he's
25 addressing the pool concern. So again, if I had a crystal

1 ball I would venture to say that we're going to find that
2 there is a violation and he needs to fix it, if he doesn't,
3 the City will. So either way it's going to be addressed.

4 MR. LARSON: And ma'am

5 MS. COPELIN: Yes?

6 MR. LARSON: In regards to your raccoons over
7 there, I was involved in another city with a bunch of
8 raccoons. And we were able to get the City to bring us out
9 some, Animal Control to bring us out some traps and we
10 trapped them and they moved them out of the area. If you've
11 got that many raccoons in your area I would suggest that the
12 neighbors get together and get some traps out there and move
13 them out and you'll help your own cause there with the
14 raccoons.

15 MS. COPELIN: Right. Thank --

16 MR. LARSON: Because you don't want those raccoons
17 around when you have children.

18 MS. COPELIN: Right, I know. They are creating
19 quite a mess. The thing is that over the past ten years the
20 neighbors have had to deal with so many issues regarding this
21 home: cleaning up the litter, calling this City --

22 MR. LARSON: I understand that.

23 MS. COPELIN: They're really beyond putting any
24 more money or time into having to maintain this property
25 because of how long it's been.

1 CHAIR WEYMOUTH: It sounds like your issues are
2 being addressed. Joe you had a --

3 MR. CROGNALE: Yes, a short comment. Something to
4 put to rest that keeps cropping up two times now during the
5 discussion from the respondents. I personally don't believe
6 that this house rises to the level of a complete demolition
7 so we get that out of the way.

8 The short list that the City's offered seems to be
9 taken care of. Roofer's in place. That's basically all this
10 Board can do. We can't go beyond what the City's
11 recommending just because we hear some comments. And it's
12 really unfortunate that the comments you're bringing up --
13 they're valid -- I'm sure they're valid but we can't
14 legislate for the vermin, the things in the attic and unseen
15 things. I don't know when it's going to break down. But as
16 of right now, what's before us is just what the City's short
17 list this.

18 CHAIR WEYMOUTH: Mr. Holland?

19 MR. HOLLAND: Yes, I want to thank Ms. Copelin for
20 her observations. I agree with her assessment that this roof
21 is in a lot worse condition. Maybe it may appear to
22 laypersons with the photos.

23 And I don't share your comfort with that contract I
24 mean it's a lump-sum roof contract for fourteen hundred.
25 That might get you one area but it's not going to get you

1 several areas. And customarily when you do an old roof where
2 the membrane has been the allowed to totally deteriorate with
3 age -- I imagine this is an original roof or something as old
4 -- it's failing everywhere and the roofer gets out there, you
5 usually have unit price items for contingencies to replace
6 rotten plywood sheathing, reinforce any rotted truss
7 materials.

8 But I think this estimate probably is off by a
9 factor of ten and I don't share the level of comfort. And
10 that said, I'm very concerned about the tiles flying off in
11 the event of a storm in very short order without very much
12 anchoring capability throughout that roof. That's just my
13 opinion.

14 Ms. COPELIN: Thank you.

15 CHAIR WEYMOUTH: Well, I will remind you that I
16 don't think the City's coming to us to ask us to replace the
17 whole roof so we're not going to be necessarily voting on
18 that unless somebody wants to make that motion. Thornie?

19 MR. JARRETT: But Joe, we do have written into the
20 requests from the City an engineering report. And I feel
21 perfectly safe about an engineer's report.

22 MR. HOLLAND: No, I'm comfortable with that. What
23 I'm not comfortable about is where the funds are going to
24 come from once we really -- is fourteen hundred dollars
25 really going to do it? Is this coming from the bank or Mr.

1 Ferguson's reserves or --

2 CHAIR WEYMOUTH: This is going, that's going to be
3 an applicable question to ninety-five percent of the cases
4 that appear before us, where the --

5 MR. HOLLAND: And we talk about it a lot, through
6 insurance policies, through banks, banks' lawyers, layers and
7 layers of people.

8 MR. JARRETT: Joe, that's not an issue here because
9 after thirty days, the City has in their request asked for
10 thirty days for the owner to comply.

11 CHAIR WEYMOUTH: And if he doesn't, they will.

12 MR. JARRETT: And if he doesn't, the City's going
13 to. So --

14 MR. HOLLAND: I'm just letting you know that the
15 City's also going on these repairs but I'm just letting you
16 know that I think it's going to be major.

17 CHAIR WEYMOUTH: Okay.

18 MR. HOLLAND: That's all. Just do what you want to
19 do.

20 CHAIR WEYMOUTH: Alright.

21 MR. JARRETT: I, actually, I agree with you Joe.
22 Looking at the roof to me it does look like it's in bad
23 shape. But I'm confident that the engineering report will
24 show that.

25 MR. PHILLIPS: Well, you know, this is obviously a

1 stopgap measure. If the contract goes through then the
2 demolition is moot. If it doesn't go through in a month or
3 two we can revisit this and if it doesn't look like it's
4 progressing anywhere on a short sale then when the City asks
5 us to demolish it we should take it up at that time.

6 Otherwise I think we should grant what the City is
7 asking right now. If they want to bring it back in another
8 two months hopefully Mr. Fitzgerald will have some better
9 luck all around and we'll address it then.

10 MR. HOLLAND: Yes, there's a lot --

11 MS. HASAN: Mr. Chair, again, the City is
12 comfortable. If there are concerns from the Board members on
13 the full status of the roof which again, from a visual
14 observation we were not, the Building Official was not
15 comfortable saying it should be completely demolished. But
16 if the Board wants to order a shorter timeframe for the
17 engineering report the City would be supportive of that as
18 well. And [inaudible]

19 MR. HOLLAND: That's a -- yes, I would consider
20 time of the essence for that.

21 CHAIR WEYMOUTH: Mr. Fitzgerald, would you like to
22 -- did you have anything more? I'm sorry ma'am.

23 MS. COPELIN: No, that's it.

24 CHAIR WEYMOUTH: Okay. Thank you very much. Mr.
25 Fitzgerald is there anything more that you want to add?

1 MR. FITZGERALD: For your information, and if you
2 check the records, that roof is not the original roof of the
3 house.

4 MR. HOLLAND: Okay.

5 MR. FITZGERALD: Okay? So the house is forty-
6 seven, forty-eight years old. The roof was replaced twenty
7 some years ago. Earl Johnson Roofing does a lot of work for
8 my firm all the time so I'm getting --

9 MR. HOLLAND: Okay, that's good.

10 MR. FITZGERALD: -- an excellent price. I own a
11 commercial real estate and property management company. My
12 brother John Fitzgerald is a builder here in Fort Lauderdale
13 and we use Earl Johnson Roofing all the time so I'm getting
14 the family discount to get my work done.

15 MR. HOLLAND: That sounds excellent. I just,
16 sometimes in this line of work you don't know what you have
17 until you tear the tile off.

18 MR. FITZGERALD: I also happened to study
19 engineering in school and I am a reformed general contractor
20 so I completely understand how things are built and how
21 things are put together.

22 MR. HOLLAND: Excellent. Sounds like you're in
23 good shape.

24 MR. FITZGERALD: That structure is probably one of
25 the best built houses in the City of Fort Lauderdale. Every

1 tie beam, every everything is solid concrete block, every
2 truss is perfectly straight, every double strap, perfect.

3 MR. HOLLAND: Yes, it looks well-built and it's
4 very worth salvaging.

5 MR. FITZGERALD: It was designed by Mr. Storrs and
6 built by Mr. Storrs and it's a very well-built house.

7 MR. HOLLAND: Thank you, I agree.

8 CHAIR WEYMOUTH: Good afternoon sir. Would you
9 like to be heard on this matter?

10 MR. WINNINGHAM: Yes sir.

11 CHAIR WEYMOUTH: Please state your name for the
12 record.

13 MR. WINNINGHAM: My name is John Winningham, I'm an
14 architect with the firm of Winningham and Bundy Architects.
15 We're in Oakland Park. I've been a resident of Fort
16 Lauderdale since 1943. I was requested to come out and give
17 a proposal to prepare the plans to repair this structure
18 that's under question. I brought along with me my mechanical
19 engineer, my landscape architect and my structural engineer.
20 We spent about two hours reviewing the house. Our biggest
21 concern was the roof structure. Not the roof itself, the
22 roof, it has leaks in it. Those leaks --

23 CHAIR WEYMOUTH: Define the roof structure, if you
24 would.

25 MR. WINNINGHAM: The trusses.

1 CHAIR WEYMOUTH: Okay.

2 MR. WINNINGHAM: The trusses are the things that
3 hold the roof up. There is numerous instances where the ends
4 of the trusses that are bearing on the tie beams are rotting,
5 mildewed, but the most concerned position of me is there is
6 two girder trusses in the house that support other trusses
7 framing into them. The ends of those two girder trusses are
8 rotted. I'm concerned of failure without too much wind load
9 on it. The roof can probably get redone in fourteen days but
10 the roof structure will take longer than that. I just want
11 you to be aware of it because I do think it is a life safety
12 issue.

13 MR. PHILLIPS: Who commissioned your study?

14 MR. WINNINGHAM: A gentleman that was acting as the
15 project manager of the man that was going to buy the house.
16 When I finally gave them my proposal to prepare the plans
17 they became extremely quiet because my proposal exceeded
18 forty thousand dollars.

19 CHAIR WEYMOUTH: So it sounds like you would
20 endorse the current buyer's position of demolishing the
21 entire residence.

22 MR. WINNINGHAM: I really think it's due to be
23 bulldozed.

24 MR. PHILLIPS: Who asked you, can I ask how is it
25 you came to come here today?

1 MR. WINNINGHAM: Pardon?

2 MR. PHILLIPS: What was it that occasioned your
3 coming here?

4 MR. WINNINGHAM: My brother lives next door to this
5 house.

6 CHAIR WEYMOUTH: Okay.

7 MR. WINNINGHAM: And he asked me to come.

8 MR. PHILLIPS: Okay.

9 CHAIR WEYMOUTH: Any questions for Mr. Winningham?
10 Thank you sir.

11 MR. WINNINGHAM: Thank you.

12 CHAIR WEYMOUTH: Is there anyone else that would
13 like to be heard? Good afternoon sir. If you'd state your
14 name for the record please.

15 MR. CLEMONS: Yes. I'm Gary Clemons, I reside two
16 houses south of the structure here. A lot of issues have
17 been touched upon with regards to what has become of the home
18 and the structure itself we know and I would concur with Mr.
19 Winningham that it should be knocked down. There have been a
20 number of issues that have arisen for crime. I have a letter
21 here and I know this isn't up your alley but just to make
22 aware, there was a robbery on the golf course a year and a
23 half ago. So again highlighting that issue, that's not why
24 we're here. Why we're here is to address the structure.
25 One, just to make sure --

1 CHAIR WEYMOUTH: No, Mr. Clemons, we're here to
2 address the voids in the roof and the pool.

3 MR. CLEMONS: Yes.

4 CHAIR WEYMOUTH: Not necessarily the structure.

5 MR. CLEMONS: Okay, okay. One, the pile of roof
6 tiles are actually pavers in the back.

7 CHAIR WEYMOUTH: Okay.

8 MR. CLEMONS: So, we would hope that when Mr.
9 Fitzgerald brings his man over to redo the roof he removes
10 those pavers -- they're not tiles, they're pavers.

11 CHAIR WEYMOUTH: Okay.

12 MR. CLEMONS: We want to make sure there's some
13 clarity on that.

14 MR. PHILLIPS: Pavers on the roof?

15 MS. HALE: No.

16 CHAIR WEYMOUTH: No, in the back.

17 MR. CLEMONS: On the ground. They're not roof
18 tiles, they're pavers. So if we have a hurricane, those will
19 become projectiles.

20 CHAIR WEYMOUTH: Fine, understood, understood.

21 MR. CLEMONS: I just want to ensure that that's --

22 MR. PHILLIPS: Pavers become projectiles?

23 MR. CLEMONS: Yes. They're small.

24 CHAIR WEYMOUTH: Unsecured.

25 MR. CLEMONS: Unsecured. The time of essence is

1 very important obviously. And then, just to bring to
2 everybody's attention and this may not be the right forum but
3 there is a large gun safe in the garage. With people going
4 in and out of the home that would be very easy for someone to
5 crack into. I don't know if there's weapons in the gun safe
6 or not.

7 CHAIR WEYMOUTH: Mr. Clemons, we need to stay on
8 topic sir.

9 MR. CLEMONS: Okay.

10 CHAIR WEYMOUTH: So if we can keep it to the roof
11 and the pool and the lose debris in the back.

12 MR. CLEMONS: Okay. Now, I understand. I just
13 wanted to bring that to everybody's attention and my
14 neighbors most importantly.

15 CHAIR WEYMOUTH: The Police Department may be
16 interested in that.

17 MR. CLEMONS: Well, thank you. Other than that I
18 would just suggest that the concept of demolition for the
19 next meeting is brought up [inaudible] with the City on that.

20 CHAIR WEYMOUTH: If the City warrants it they'll
21 bring it to our attention.

22 MR. CLEMONS: Thank you.

23 CHAIR WEYMOUTH: Thank you. Anyone else like to be
24 heard on this? Yes ma'am please step forward. Good
25 afternoon.

1 MS. LUZINSKI: Good afternoon. My name is Martha
2 Luzinski, many of the issues that I had brought today I'm not
3 going to share because you've already heard those. But I did
4 want to say I called the Fort Lauderdale Police Department
5 yesterday and asked for their records department and there
6 are seventeen separate phone calls for this address -- 4404
7 Northeast 23 Avenue -- just within the last few years. So I
8 just want you to know that there have been many neighbors,
9 multiple times, myself included, calling about this home.

10 CHAIR WEYMOUTH: Very good. Thank you ma'am.

11 MS. LUZINSKI: Thank you.

12 CHAIR WEYMOUTH: Is there any --

13 MS. HASAN: If I could, if there is a structural
14 engineering report out there that someone wants to submit
15 that's signed and sealed the City would certainly, again, be
16 happy to review that expeditiously and take a look if there
17 is an issue of structural integrity.

18 CHAIR WEYMOUTH: Okay.

19 MR. FITZGERALD: I didn't open the doors for
20 anybody to go inside of that house so I don't know how
21 anybody got inside of that house to look at anything on the
22 inside of that house because I'm the only one that has a set
23 of keys to that home.

24 CHAIR WEYMOUTH: You may want to call the Police
25 Department.

1 MR. FITZGERALD: I might want to call the Police
2 Department. I know that I have a lot of disgruntled
3 neighbors in regards to that house. That was going to be my
4 dream house and I do apologize to all and every one of you.
5 Believe me I'm the biggest loser in this whole thing, out of
6 this whole process.

7 CHAIR WEYMOUTH: Okay.

8 MR. FITZGERALD: I am here as the property owner to
9 address the issues that were brought before this Board. I
10 used to sit on this board twenty years ago for a number of
11 years. I am addressing the issues that were brought to my
12 attention. I completely am going to get this stuff fixed and
13 handled just like the Board wants me to take care of and I
14 apologize for wasting all of your time today.

15 CHAIR WEYMOUTH: Duly noted. Thank you Mr.
16 Fitzgerald. Yes ma'am, would you like to be heard?

17 MS. PUMPHREY: Good afternoon my name is Shelley
18 Pumphrey, I live catty-corner to the property. I just want
19 to, I want to address specifically the FBC 116.2.1.3.2, which
20 addresses the specifically the kids playing inside the
21 property. Just by way of quick background, I was formerly, I
22 co-owned a security company for fifteen years and I
23 understand the concept of attractive nuisance. In this case
24 particularly, you've seen pictures of doorknobs missing,
25 windows open.

1 My question is, we've talked a lot about the roof
2 structure, we've talked about the pavers and the pool, is
3 what is included in this fix, proposed fix, are we going to
4 secure the property so that there's no longer an attractive
5 nuisance? In other words, replacing the doorknobs, making
6 sure that those windows are secured and locked.

7 CHAIR WEYMOUTH: That has not been brought to this
8 Board to weigh in on or give a decision on.

9 MS. HASAN: Yes I did, yes sir.

10 CHAIR WEYMOUTH: I'm sorry.

11 MS. HASAN: Yes I did. I asked for the two, for the
12 openings to be secured.

13 CHAIR WEYMOUTH: I'm sorry.

14 MS. HASAN: The one that has in the front, the
15 window that you saw the picture of and the one in the back
16 that has the extension cord.

17 CHAIR WEYMOUTH: Alright, well, with that being
18 said then, Mr. Fitzgerald, am I assuming -- we've talked,
19 spent a lot of times on the roof and the pool -- am I
20 assuming that you're going to address every violation that's
21 been listed?

22 MR. FITZGERALD: They're impact resistant windows,
23 so [Inaudible]

24 MS. PUMPHREY: Okay.

25 CHAIR WEYMOUTH: And again, all right.

1 MS. PUMPHREY: Good. Thank you so much.

2 CHAIR WEYMOUTH: Yes ma'am.

3 MR. FITZGERALD: Yes, yes it'll be addressed.

4 CHAIR WEYMOUTH: Okay. I think that starts to
5 skirt away from what we're really up here. If somebody's got
6 their windows open. I understand that it's not a lived-in
7 the house, but it's not an unsafe structure.

8 MR. CROGNALE: Breaking and entering isn't us --

9 CHAIR WEYMOUTH: It creates -- I'm sorry?

10 MR. CROGNALE: Breaking and entering is not our --
11 breaking and entering is not our --

12 CHAIR WEYMOUTH: Right. Yes sir, would you like to
13 be heard?

14 MR. ABDO: Yes, thank you for the opportunity. I'm
15 Frank Abdo, I live at 4301 Northeast 23 Avenue right down the
16 street. [inaudible] we have an unsafe structure, we have a
17 situation that's creating an unsafe condition for our
18 neighbors. This Board has an opportunity to do, to try and
19 make it safer than it is. It is unsafe.

20 And what Mr. Winningham has told you about the roof
21 structure is, I'm not an engineer but he knows and I think
22 that has to be taken very seriously because with hurricane
23 season's coming up, we all understand that situation and if
24 that roof blows off that house and damages other houses in
25 the neighborhood or hurts other folks in the neighborhood

1 when we had the chance for this Board to secure that house, I
2 think that that's not going to be a good thing. I know
3 you'll do the right thing and I appreciate the time, thank
4 you.

5 CHAIR WEYMOUTH: Thank you Mr. Abdo. Yes sir?
6 Good afternoon.

7 MR. SANCHEZ: Good evening everybody. My name is
8 Joe Sanchez, I reside at 4501 Northeast 23 Avenue Fort
9 Lauderdale. I'm a proud native of Ft. Lauderdale born here
10 in 1952, Broward General. I also served on the Fort
11 Lauderdale Police and Fire Pension Board for about seven,
12 eight years in the 1990s, been active on the Imperial Point
13 boards, Coral Ridge boards and helped form the Northeast Fort
14 Lauderdale Alliance of Homeowner Associations back in the 80s
15 when we tried to stop the four-laning of 62 Street.

16 Now, I am going to talk about structure, okay? I'm
17 not an engineer and it seems like apparently this Board is
18 riveted on the notion of having a certified engineer's study
19 report to do what is called for. With all due respect, with
20 great respect, here are pictures that I would like us to look
21 at kindly, please.

22 I have an e-mail from Mrs. Montoya who indicate --
23 thank you, yes, yes --

24 MR. PHILLIPS: Can I just interrupt Mr.
25 Chairperson?

1 CHAIR WEYMOUTH: Yes sir.

2 MR. PHILLIPS: I believe that the City's request
3 does not encompass demolition.

4 CHAIR WEYMOUTH: That is correct.

5 MR. PHILLIPS: So I don't think we should discuss
6 demolition until the City brings it to us.

7 MR. SANCHEZ: We're not -- I'm not necessarily
8 saying demolition is a necessity okay? What I'm saying is,
9 it is one of the real possibilities that may have to happen
10 at some point because --

11 MR. PHILLIPS: Not today.

12 MR. SANCHEZ: Maybe not today but we -- we ought to
13 do, hold on --

14 MR. PHILLIPS: Can we abbreviate this? We've been
15 on this for almost forty-five minutes, we have a lot of other
16 people up here. Let's -- we understand Mr. Engineer.

17 CHAIR WEYMOUTH: Let's stay on topic.

18 MR. PHILLIPS: I think we can bring this back --

19 MR. SANCHEZ: May I please, I just --

20 MR. PHILLIPS: -- in a month or two when the City
21 discusses it. Otherwise we're going to ad infinitum.

22 MR. SANCHEZ: No we're not.

23 MR. PHILLIPS: I understand the neighbors want this
24 done, I think we all want it done. It's dangerous, the
25 hurricane season, it probably will be demolished. The

1 contract goes through, it'll be a moot point. But I think
2 we're wasting our time going over, over and over when I think
3 we should grant the City's request. [inaudible]

4 MR. WEYMOUTH: Well.

5 MR. SANCHEZ: May I please have five to six
6 minutes? I, I --

7 MR. PHILLIPS: [inaudible] minutes.

8 CHAIR WEYMOUTH: Please address the Chair when you
9 want to make a comment. I think that everybody should have
10 the right to be heard but I think we need to stay on topic.
11 We need to stay on the violations that have been brought to
12 this Board --

13 MR. SANCHEZ: I am. May I address the violations?

14 CHAIR WEYMOUTH: [inaudible] not addressing girder
15 trusses may be rotting at the contact point on the tie beam,
16 and nobody's an engineer and nobody's been granted access to
17 the house.

18 MR. SANCHEZ: Okay. Understand. Understand.

19 CHAIR WEYMOUTH: So, let's stick to the items --

20 MR. SANCHEZ: Very good. With all due respect, I
21 shall. Okay. I presented pictures to you, hopefully you
22 will take a moment to look at them. There is not one hole,
23 Mr. Chairman as Mrs. Montoya's e-mail indicates that the
24 Building Official, City of Fort Lauderdale had said that
25 there's one hole the roof. Those pictures clearly show there

1 are between three and five substantial hole areas.

2 So what we're saying is, if the property owner
3 wants to have the opportunity to re-roof, putting on new
4 sheathing, the full roof deck, sir, and everything from the
5 plywood up, fine. I don't know if it's going to hold, but if
6 that is the position of the City that they'll take a chance
7 that it holds --

8 CHAIR WEYMOUTH: The City is going to look to the
9 engineer's report that has been asked for in order to
10 determine how to correct the violations that exist.

11 MR. SANCHEZ: Oh, an engineer's report is in
12 process then.

13 CHAIR WEYMOUTH: We are requesting an engineer's
14 report.

15 MR. SANCHEZ: Okay.

16 CHAIR WEYMOUTH: Whether it's in process or not I
17 don't know.

18 MR. SANCHEZ: Okay.

19 CHAIR WEYMOUTH: But the City is requesting --

20 MR. SANCHEZ: Because with all due respect, the
21 Building Official sent an e-mail, or communicated with Mrs.
22 Montoya and said there is one hole. There's a cavernous
23 hole, you've seen the pictures, two feet by two feet. There
24 are many other holes in that roof, substantial. Tiles are
25 like this. Indicate, substantial.

1 CHAIR WEYMOUTH: I'm sure that the engineer's
2 report will address all of those areas.

3 MR. SANCHEZ: Okay, fine. And then the other
4 issues, just to go on record with City, the property calls
5 for the fencing in of that property. There was a house on
6 Northeast 35 Street or 38 Street which was fully fenced in,
7 we have hordes of teenagers, fifteen to eighteen-year-old
8 kids drinking hard liquor, smoking pot, taking furniture from
9 Mr. Winningham's property, taking it out on the golf course
10 two hundred yards away, whatever.

11 I'm just telling you, if the homeless break in --
12 the homeless used to live there and they were evicted by the
13 City -- if homeless people live there once again, if they
14 move in once again and that roof caves in on them it's pretty
15 embarrassing.

16 No trespass sign would be great to have it posted.
17 I appreciate the owner very much for moving forward in
18 requesting no trespass status on the property. We were told
19 by Officer Parnell the property has no trespass status.
20 However, we were also told by the City the no trespass sign
21 cannot be posted unless the owner himself tapes it to the
22 wall or nails it to the wall or the door.

23 So it would be really grand if the property owner
24 could request the City to post a no trespass sign or if he
25 has to physically do it that it gets done. Even, no, but

1 it's --

2 CHAIR WEYMOUTH: This is drifting off topic again
3 but real quick, Mr. Fitzgerald, would you agree to have the
4 no trespass affidavit posted?

5 MR. SANCHEZ: Okay.

6 CHAIR WEYMOUTH: Put one in the front, put one in
7 the rear so it's seen from the golf course, seen from the
8 front.

9 [Mr. Fitzgerald nodded in agreement from the
10 audience.]

11 MR. FITZGERALD: Yes sir.

12 CHAIR WEYMOUTH: Okay.

13 MR. SANCHEZ: And I'll wrap up with this, just two
14 or three quick sentences if I might, okay? The City is so
15 very proud about winning one of the best cities in America
16 award. As a proud native Fort Lauderdaleian, myself and
17 neighbors hope the City demonstrates they are all about
18 protecting residents and neighbors from safety and health
19 hazards.

20 Here are some very possible outcomes if the City
21 doesn't mandate the demolition or the reconstruction of
22 everything above the top of the CBS walls, or hoping that the
23 roof replacement works, hoping that the roof replacement
24 works. Homeless move back in, while sleeping one night the
25 roof caves in killing some homeless or injuring them. Okay,

1 while laying around -- excuse me, I'm wrapping up. Teenagers
2 drunk on liquor and pot which they frequently do over there
3 while laying around drinking inside the house because they
4 break in some time -- the door, by the way the lock is
5 totally gone so --

6 MR. PHILLIPS: How do you know?

7 MR. SANCHEZ: Because I saw it. I went over there
8 and took pictures.

9 MR. LARSON: Did you go over and try it? Did you -
10 -

11 MR. SANCHEZ: No, no, I didn't try it.

12 MR. LARSON: Well then, how do you know it doesn't
13 work?

14 MR. SANCHEZ: Okay, because when you look at the
15 locking mechanism all that's there is part of the deadbolt.
16 You don't have --

17 CHAIR WEYMOUTH: Mr. Sanchez, if I can ask you to
18 wrap it up pretty quick.

19 MR. SANCHEZ: Okay, I'm going to wrap it up, I
20 shall.

21 [People speaking over each other]

22 MR. SANCHEZ: I'm going to wrap it up if I don't
23 get any more interruptions. I promise.

24 MR. LARSON: I got one question I want to ask him.

25 CHAIR WEYMOUTH: But I'm allowing you to go on on

1 something that's off topic.

2 MR. SANCHEZ: This is not off topic.

3 [People speaking over each other]

4 MR. HOLLAND: He was responding to our Board and I
5 think the photos do show locks missing.

6 CHAIR WEYMOUTH: Okay. But that doesn't make an
7 opening unsecure. They may --

8 MR. SANCHEZ: Let me wrap up. Okay.

9 Mr. FITZGERALD: I want to address the lock.
10 There's actually --

11 CHAIR WEYMOUTH: Let him finish. And then Mr.
12 Fitzgerald, you'll have the --

13 MR. SANCHEZ: Yes. Okay. So at any rate, so the
14 teenagers break in the house, let's say, which is very
15 possible --

16 CHAIR WEYMOUTH: Let's get away from the breaking
17 and entering.

18 MR. SANCHEZ: Okay, okay, okay.

19 CHAIR WEYMOUTH: And let's stick to a roof, a pool,
20 or loose debris in the back.

21 MR. SANCHEZ: Fine, fine.

22 CHAIR WEYMOUTH: If it doesn't contain that, then
23 let's be done with it.

24 MR. SANCHEZ: Speaking of the roof -- let me stick
25 to the roof okay? I am sticking to the roof.

1 CHAIR WEYMOUTH: Well, you just went inside with
2 the drinking.

3 MR. SANCHEZ: If the roof replacement doesn't work
4 -- and visually when you look into the house you can look in
5 the house, you see some trusses that are really rotten, very
6 bad. If the roof replacement doesn't work from plywood up,
7 from the roof deck up and it caves in and hurts anybody or if
8 kids leaving the property -- this is a chance for me to go on
9 record with the City -- please kindly -- thirty seconds,
10 forty seconds.

11 [People speaking over each other]

12 MR. LARSON: [inaudible] a whole lot of patience.

13 MR. SANCHEZ: Okay. I appreciate the patience.
14 Okay. So kids end up getting drunk on the property all the
15 time. They careen down the street speeding, they kill
16 themselves or they --

17 CHAIR WEYMOUTH: Alright, we're done, we're done,
18 we're done. Now were speeding and --

19 MR. CROGNALE: We're done.

20 CHAIR WEYMOUTH: Mr. Sanchez, thank you but we've
21 got a lot of other business to get on to, we have a lot of --

22 [People speaking over each other]

23 MR. LARSON: Mr. Chairman I want to make one
24 statement to the gentleman.

25 MR. SANCHEZ: Let me just say --

1 MS. HALE: No.

2 MR. LARSON: If you've got that much problem with
3 the kids, then I suggest the neighborhood better get together
4 and find out where your kids are at night.

5 MR. SANCHEZ: Excuse me?

6 MR. LARSON: You just heard what I said.

7 CHAIR WEYMOUTH: Alright, enough.

8 MR. SANCHEZ: They're not the neighborhood kids,
9 some of them.

10 CHAIR WEYMOUTH: Mr. Sanchez, thank you sir.

11 MR. SANCHEZ: We hope the City proves it is indeed
12 a best city in America. Thank you very much.

13 CHAIR WEYMOUTH: Mr. Fitzgerald would you like to
14 respond to the locks?

15 MR. FITZGERALD: That's okay. There's a dead bolt
16 lock on the top of that door without an exterior keyhole in
17 there so that door is completely secured. The windows around
18 the house are all impact resistant. We did have kids that
19 were breaking into the house. They broke the back windows of
20 the house out. It's been taken care of, the house is secure.
21 I will completely close those two windows so that the house
22 is completely tight and I am fully agreeable to do everything
23 that the City wants to do.

24 CHAIR WEYMOUTH: Okay. Is there anybody else that
25 would like to be heard on this case?

1 MR. JARRETT: I'll make a motion.

2 CHAIR WEYMOUTH: Alright, hearing none, is there
3 anybody that wants to make a motion on this case?

4 MR. JARRETT: I'll make a motion.

5 CHAIR WEYMOUTH: Thornie?

6 MR. JARRETT: In light of Mr. Fitzgerald has agreed
7 to what the City has asked for but also in light of the fact
8 that we had the professional testimony that there is issues
9 with the roof, I'm going to make a motion following the
10 City's recommendations.

11 However I'm going to put in my motion, I'm going to
12 cut that from thirty days to twenty days for an engineering
13 report to try to make some of the neighbors a little bit
14 happy with this moving right along.

15 And I would assume that as soon as that report is
16 available to the Building Official, that he's going to
17 determine whether or not further action by City staff is
18 warranted such as demolition or that if it can be repaired.
19 I'm sure the Building Official will do that. He's nodding
20 yes of course.

21 In light of all that, I move that we find the
22 violations exist as alleged and that we order the property
23 owner to repair, replace and secure the structure within the
24 ten days for the pool and the public safety issues and the
25 twenty days as regarding the engineering report on the roof

1 as amended from the City's request. And that we order the
2 City to make those repairs, replacements or securing of the
3 structure should the property owner fail to do so in a timely
4 manner. Such repair, replacement, security work is to be
5 accomplished with proper City permits and by a licensed
6 contractor, should that be required.

7 MS. HALE: I'll second.

8 CHAIR WEYMOUTH: We have a motion, we have a second
9 is there any further discussion before we vote on it? All in
10 favor say aye.

11 BOARD MEMBERS: Aye.

12 CHAIR WEYMOUTH: Any opposed? Hearing none, motion
13 carries. Thank you.

14 MR. HOLLAND: Good job, Thornie.

15 MR. PHILLIPS: Chairman, I've just got to put some
16 money in the meter real quick.

17 CHAIR WEYMOUTH: Okay Mr. Phillips.

18 MS. HALE: Oh no, you want more? What do you want,
19 quarters?

20 MR. JARRETT: You didn't park in your special spot?

21 CHAIR WEYMOUTH: Do you not, do you, Jack, do you
22 not have a windshield card for --

23 MR. PHILLIPS: I couldn't find it.

24 MS. PRYOR: Alright, we still have an agenda. All
25 right.

1 CHAIR WEYMOUTH: Yes, no, we're going to move
2 along.

3 MR. LARSON: Go for it.

4 MS. PRYOR: Do you want to take a break?

5 CHAIR WEYMOUTH: No, let's give them fifteen
6 seconds to clear the auditorium and then we'll press on.

7 MS. PRYOR: Alright, alright, here we go.

8 [Mr. Phillips briefly left the meeting.]
9

10 **3. Case: CE14070115**

INDEX

11 **KERR, MARY ANNE KERR, LOIS**

12 **201 SW 11 CT**

13 MS. PRYOR: It's going to be on page five on your
14 agenda.

15 CHAIR WEYMOUTH: On page five?

16 MS. PRYOR: Page five. Case number CE14070115,
17 Inspector George Oliva, case address 201 Southwest 11 Court,
18 the owner is Mary Anne Kerr or Lois Kerr.

19 Notice of violation posted on property 7/25/14,
20 advertised in the Daily Business Review 8/1/14 and 8/8/14.
21 And certified mail notices as noted in your agenda.

22 INSPECTOR OLIVA: Good afternoon Board. George
23 Oliva, Building Inspector for the City. I'm going to be
24 presenting case number CE14070115 on today's agenda page
25 four. This case was opened on July 1, 2014 by me following a

1 request by the Fort Lauderdale Police Department for an
2 unsafe structure and they were asking for the assistance of
3 the Building Department. The following pictures that are
4 going to be presenting to the records they were taken by me
5 in July 1 and August 19, 2014 I would like to submit them
6 also into the records.

7 [Inspector Oliva displayed photos of the property]

8 This is the pictures that I took on the 19. You
9 can see that the windows were removed from the property, that
10 the inside of the property, the conditions inside is
11 completely unsafe and unhealth.

12 That's another view from the interior of the
13 property. There was no running water on the property; there
14 is no electrical service to the property. The water meter
15 was jumped and the electrical meter was jumped also. That's
16 the jump that they did to the electrical meter. Florida
17 Power and Light went, they cut the power off. And they went
18 ahead they got some jumping cables and they put that in so we
19 have to go back and request the power to be cut from the
20 transformer.

21 That's another view of the interior of the
22 property, you can see the condition. That's not a living
23 habitat inside that property and I'm going to ask the
24 detective to make a statement regarding what they found in
25 the kitchen where there was drugs on the property. So, I'm

1 going to ask the detective to come forward. State your name.

2 DET. MANIATES: Hey guys, Detective Paul Maniates,
3 Fort Lauderdale Police. We've had numerous problems with
4 this property for years referenced to a lot of drug activity,
5 numerous arrests, Ms. Mary Anne Kerr has been creating a lot
6 of problems over the last several years at this property. I
7 also have a few officers here that can testify of many times
8 going to the property, making arrests for drug possessions
9 and so forth. So this has been a long-time problem and I'm
10 hoping that we can address this. I know the neighborhood's
11 very concerned about this property. Thank you.

12 MR. WEYMOUTH: Thank you.

13 INSPECTOR OLIVA: George Oliva, Building Inspector
14 for the City. At this moment, the City is asking the Board
15 to find for the City that this property is unsafe and to
16 order the owner of this building to demolish it in the next
17 thirty days or the City will do so.

18 CHAIR WEYMOUTH: Inspector, can I ask you a
19 question?

20 INSPECTOR OLIVA: Yes sir.

21 CHAIR WEYMOUTH: A few months ago we were using a
22 calculation to determine the cost of --

23 INSPECTOR OLIVA: The evaluation criteria, we have
24 stopped doing that.

25 CHAIR WEYMOUTH: Okay. Is that something,

1 counselor, that we no longer need to consider?

2 MS. HASAN: Rhonda Montoya Hasan with the City
3 Attorney's office. I apologize it didn't hear the Chair's
4 question.

5 CHAIR WEYMOUTH: That's okay. I had asked the
6 inspector months ago prior to your being on the Board, not
7 that, it's just coincidental, but when cases were being
8 presented there was also a calculation, evaluation
9 calculation in help determining whether a building should be
10 torn down or repaired.

11 Part of my concern -- we haven't heard from the
12 respondent -- part of my concern is for the value of windows
13 and doors we want to tear a house down? And quite frankly I
14 hear what you're saying -- is the house free and clear? Is
15 it in foreclosure? Is somebody, is the owner living there or
16 is it being rented? Are you here to speak on this case
17 ma'am? Okay. It's all right just hang on a second. Maybe,
18 just let our legal staff answer my question, then we'll hear
19 from you. Or actually, you know what, while she's looking
20 that up, why don't you come on up and give us your side of
21 what's going on here.

22 MS. KERR: My name is Mary Anne Kerr --

23 CHAIR WEYMOUTH: No, into the microphone ma'am.

24 MS. KERR: My name is Mary Anne Kerr, the owner of
25 the property.

1 CHAIR WEYMOUTH: Okay.

2 MS. KERR: The property is paid for free and clear
3 and has been for several years. Those pictures of that
4 property did not look like that on the interior of half of
5 the property. It did not become like that until after the
6 crew came in to but the window is in, Plexiglas windows.
7 They completely trashed the house, turned over my furniture,
8 destroyed my property inside to put those windows in with no
9 regards, disregards. And this officer over here he knows
10 that my house has been in a disarray but it did not look like
11 that inside at all times.

12 CHAIR WEYMOUTH: Did you pull permits to install
13 those, did you pull permits to install those new windows and
14 doors?

15 MS. KERR: The permits were -- new windows and
16 doors?

17 CHAIR WEYMOUTH: You said that it's the guy who put
18 in the windows that trashed the inside of your house.

19 MS. KERR: The City, the City --

20 INSPECTOR OLIVA: George Oliva, Building Inspector
21 for the City. For the records I have the permit history of
22 the property and yes, there was a permit issued to replace
23 the window back in 2012. And I'm going to provide the proof
24 to the Board.

25 MS. HALE: Window?

1 CHAIR WEYMOUTH: And was it closed? Was that
2 permit closed out?

3 INSPECTOR OLIVA: No, it was left to expire. It
4 was never inspected, it was never closed.

5 MS. HALE: Did you say one window?

6 MS. KERR: Several windows.

7 MS. HALE: Four windows.

8 MS. KERR: Yes, and the contractor that was hired
9 to do the windows was paid a portion of the receipt of the
10 job, he was paid for the windows, the windows were brought
11 and received and left inside the house. They were inside the
12 house until they just came to board up the house as the City
13 [inaudible] to board up the house.

14 The windows were still inside the house at that
15 time. The contractor had walked off the job because he did
16 not, he received first partial payment and then upon
17 completion of the job with the contract permit that he had
18 pulled to install the windows he was supposed to be further
19 paid afterwards to finish the job. He was paid a portion of
20 it and then upon completion he was to be repaid.

21 CHAIR WEYMOUTH: Okay. Inspector, I can't discern
22 from this paper that you gave me, who pulled the permit?

23 MS. KERR: It was some contractor that my sister
24 had hired.

25 CHAIR WEYMOUTH: Was it an owner application or was

1 it the contractor that pulled the permit?

2 INSPECTOR OLIVA: George Oliva, Building Inspector,
3 it was a contractor, the one that obtained the permit but
4 then he left it to expired without inspections.

5 MR. PHILLIPS: Mrs. Kerr, do you live in the house?

6 MS. KERR: I did until [inaudible] came and they
7 told me that my house is unsafe. Detective Maniates showed
8 up and said --

9 MR. PHILLIPS: How many people live in the house?

10 MS. KERR: Excuse me?

11 MR. PHILLIPS: How many people are living in the
12 house?

13 MS. KERR: Nobody. No one lives in there now.

14 MR. PHILLIPS: I mean, how many were operating
15 living [inaudible]

16 MS. KERR: I was there, my friend Thomas Johnson
17 was there and his girlfriend René was there. That was it at
18 the end of the house.

19 MR. CROGNALE: Mr. Chair.

20 MS. KERR: Mr. Larry Kohs was there but he was
21 there, he had moved out over year before that. He wasn't
22 there. It was just three of us in the house.

23 CHAIR WEYMOUTH: Joe, you have a question?

24 MS. KERR: And the house does not look like that in
25 the disarray until after those people that were hired by the

1 City to put the windows in.

2 CHAIR WEYMOUTH: We're not concerned about the
3 condition of the interior --

4 MS. KERR: And the windows that --

5 CHAIR WEYMOUTH: -- we're concerned about the
6 unsafe structure portion of the property.

7 MS. KERR: I have --

8 CHAIR WEYMOUTH: Okay.

9 MS. KERR: Okay.

10 CHAIR WEYMOUTH: Joe, you have a question?

11 MR. CROGNALE: Yes, she made a statement ma'am that
12 the interior, the present condition of the interior was not
13 like that --

14 MS. KERR: No.

15 MR. CROGNALE: -- until the contractor, you're
16 stating that the contractor did this.

17 MS. KERR: They were contracted by the City --

18 MR. CROGNALE: Okay but now that's --

19 MS. KERR: -- to put the Plexiglas in on the
20 windows.

21 MR. CROGNALE: -- that's the interior of this
22 house.

23 MS. KERR: Yes.

24 MR. CROGNALE: The, in disarray. But the structure
25 itself, that's what we're here for, just the --

1 MS. KERR: They -- they completely destroyed the
2 structure inside. They tore up the insides of the walls
3 where there was -- this officer he can tell you, he's been
4 there before several times, but he can tell you that --

5 CHAIR WEYMOUTH: Was it somebody retained, let me
6 have very Inspector for a minute. Was it somebody retained
7 by the City to replace the windows?

8 INSPECTOR OLIVA: No. What we did was --

9 CHAIR WEYMOUTH: She's shaking her head yes, you're
10 telling me no.

11 INSPECTOR OLIVA: George Oliva, Building Inspector
12 for the City. The City obtained an emergency board-up a
13 permit from the City contractor to enclose all the openings
14 and protect the openings and there was a permit issued for
15 that effect which you have a copy there in the permit
16 history.

17 CHAIR WEYMOUTH: I saw that.

18 INSPECTOR OLIVA: Right. But the windows and the -
19 -

20 CHAIR WEYMOUTH: Had the windows been done?

21 INSPECTOR OLIVA: We boarded up already as an
22 emergency due to the condition, the unsafe condition in the
23 property. And when we got there you can see in the July
24 inspections that the opening protection were gone. There was
25 a few windows left, most of them they were gone. And you

1 could see the condition inside where the electrical wires
2 were running all over the place. There was no electrical
3 service, the meter [inaudible] was jumped.

4 So that's one of the points that I want to address
5 to the Board, the unsafe condition of the dwelling the way it
6 is now. It cannot be livable. And --

7 CHAIR WEYMOUTH: Is Plexiglas a board-up? Is that
8 what you get?

9 INSPECTOR OLIVA: Yes, that's the way that it was
10 done.

11 CHAIR WEYMOUTH: Okay.

12 MS. HALE: That wasn't the windows then.

13 INSPECTOR OLIVA: The City of Fort Lauderdale
14 changed the requirement for board up from wood to clear
15 through --

16 MS. HASAN: Polycarbonate, a polycarbonate
17 material.

18 INSPECTOR OLIVA: Which is very hard to break in.

19 CHAIR WEYMOUTH: So this is, for all intent -- I
20 know it's not an impact window that it's an impact resistant
21 board-up. I mean --

22 INSPECTOR OLIVA: Yes.

23 MS. HASAN: Yes. It meets the requirements of the
24 Florida Building Code.

25 INSPECTOR OLIVA: Right. And one of the reasons is

1 to protect the neighbors from any flying debris.

2 CHAIR WEYMOUTH: Did you put in special shutter
3 tracks to mount that or --

4 INSPECTOR OLIVA: No, they are in two-by-fours from
5 the outside. Outside bolts.

6 CHAIR WEYMOUTH: Oh, I see, I see how you connect
7 it now okay, I got you. Okay.

8 INSPECTOR OLIVA: Right, right. We don't do
9 anything with the structure of the property we don't remove
10 the windows or anything.

11 CHAIR WEYMOUTH: Okay. I see, yes, I see it.

12 INSPECTOR OLIVA: The windows were gone when we got
13 there. That's one of the issues that PD asked for help from
14 the Building Department.

15 MR. PHILLIPS: Does Mrs. Kerr have any builder that
16 can help her?

17 MS. KERR: Yes I do have [inaudible]

18 MR. PHILLIPS: I saw him inching towards the front.

19 MR. FOX: Hello, my name's Robert --

20 CHAIR WEYMOUTH: Inspector, if you'll step -- if
21 you'll speak into the microphone and introduce yourself
22 please.

23 MR. FOX: My name is Robert Fox. And what we're
24 trying to do is purchase the house from Mary Anne. But the
25 board-up of the house, I believe that was done two days even

1 she was received a letter and she had two more days to go in
2 there and take care of the matter. We just received a bunch
3 of letters from Mary Anne and we started reading through them
4 but when we were looking at the house to buy it, she showed
5 me a letter and they had, she had a little more time to do
6 that herself but they went in two days early.

7 And I have pictures of the windows that were inside
8 the house. I mean, what we're trying to do though is
9 purchase the house. She owns it out right. I have been on
10 the phone with her mother; her mother is also an owner of the
11 house. We have the cash to pay the violations, work an
12 agreement out with them.

13 CHAIR WEYMOUTH: Okay. Do you have a contract with
14 her right now that's been executed on both sides [inaudible]

15 Mr. FOX: I have a promissory note with her.

16 MR. PHILLIPS and CHAIR WEYMOUTH: A promissory
17 note?

18 Mr. FOX: Well, we're just starting to buy the
19 house now; we're trying to negotiate the liens right now
20 we're trying to figure out --

21 CHAIR WEYMOUTH: Are you the mortgage holder?

22 Mr. FOX: What, excuse me?

23 CHAIR WEYMOUTH: Are you the mortgage holder?

24 Mr. FOX: We're just trying to pay cash for the
25 house; we're trying to buy the house.

1 MR. PHILLIPS: Well, you said you had a promissory
2 note, who signed the promissory note?

3 Mr. FOX: Mary.

4 MR. PHILLIPS: Did you borrow money from him?

5 MS. KERR: No.

6 MR. PHILLIPS: Why would you sign a note if you own
7 the property?

8 MS. KERR: For sale of the property.

9 MR. FOX: No, just a note, maybe not a promissory
10 note, just an agreement that she would sell us the house.

11 CHAIR WEYMOUTH: A contract, or just --

12 MR. FOX: Just a contract to buy the house, that's
13 all. Not a promissory note, I'm sorry.

14 CHAIR WEYMOUTH: Alright. Do you have anything
15 else sir?

16 MR. FOX: No sir.

17 CHAIR WEYMOUTH: Okay. Officer?

18 DETECTIVE MANIATES: No. I was just going to
19 address something but I think that you guys have --

20 CHAIR WEYMOUTH: Okay. Ms. Kerr, do you have
21 anything more that you would like to add?

22 MS. KERR: I would like to be able to get some of
23 my personal belongings from inside the home. As far as
24 before the house was boarded up when this officer told me I
25 had to leave you said you have to go and I had the clothes on

1 my back and nothing. Twenty-five years in my home and I
2 can't take nothing out of it? And it was destroyed when they
3 put those windows in they completely just pushed everything
4 aside. And I had no recourse.

5 CHAIR WEYMOUTH: I think the reason that you're
6 probably out of there is more than just the windows. It's a
7 life safety issue.

8 MS. KERR: I understand about all that but is there
9 any reason why I have personal things in there, paperwork
10 that I need to, ID to get ID and --

11 CHAIR WEYMOUTH: But do you understand the concern
12 of the life safety issues that exist there?

13 MS. KERR: Yes. I understand that. I've lived
14 there for twenty-five years.

15 MR. PHILLIPS: Ms. Kerr, do you have a lawyer?

16 MS. KERR: No, I don't have a lawyer.

17 MR. PHILLIPS: Do you have an attorney?

18 MS. KERR: No.

19 MR. PHILLIPS: And you're selling the home?

20 MS. KERR: I would like to sell the home.

21 MR. PHILLIPS: How much you going to sell it for?

22 MR. FOX: Fifteen thousand.

23 MR. PHILLIPS: Okay, Mrs. Kerr, your property's
24 well assessed over, it's worth about two hundred thousand
25 dollars, why would you sell it for fifteen thousand? Are

1 you, can I ask, Mrs. Kerr, do you have anyone who helps you
2 care of yourself?

3 MS. KERR: No.

4 MR. PHILLIPS: Are you competent to make these
5 decisions?

6 MS. KERR: I think so.

7 MR. PHILLIPS: Why would you sell a home for
8 fifteen thousand?

9 MS. KERR: To pay off all these liens and I --

10 MR. PHILLIPS: No, no, but there's no liens on it
11 right now.

12 MS. KERR: There's no fines, no --

13 MR. FOX: [inaudible] thousand dollars.

14 MR. KAUFMAN: Her mother owned the house --

15 MR. PHILLIPS: I'm just talking to Mrs. Kerr.

16 CHAIR WEYMOUTH: Wait, this conversation's with
17 Mrs. Kerr.

18 [People speaking over each other]

19 MS. KERR: I'm missing something.

20 MR. PHILLIPS: I'm speaking to Mrs. Kerr.

21 MS. KERR: Go ahead. There's no liens, no fines,
22 no --

23 MR. PHILLIPS: Well, Mrs. Kerr --

24 MS. KERR: Yes.

25 MR. PHILLIPS: I know it's upsetting, I'm sorry

1 you've been through this. So you have a, there's a house in
2 there which is homesteaded.

3 MS. KERR: Yes.

4 MR. PHILLIPS: Can you sit down, sir? Mrs. Kerr.
5 You have a homestead.

6 MS. KERR: Um-hm [affirmative]

7 MR. PHILLIPS: No one's going to take your home
8 unless it's IRS or a mortgage and you have no mortgage on
9 this.

10 MS. KERR: The City --

11 MR. PHILLIPS: Okay, I know what's been done. We
12 can try to work that out, but I'm hearing terms like
13 promissory notes and fifteen thousand contracts. Mr.
14 Chairman, I'd like, I don't know, I'd like for her to come
15 back here on this since there's no electric and I'd like to
16 have her with legal representation to make sure she
17 understands the complexities and make sure her interests are
18 taken care. I don't like what I'm listening to. I know it's
19 an extraordinary request but --

20 MS. KERR: [crying] thank you.

21 MR. PHILLIPS: There's the Broward County Bar
22 Association that provides free pro bono legal representation
23 to help people analyze what's going on. Before you, did you
24 sign any deeds to this property that have not been recorded?

25 MS. KERR: No, no.

1 MR. PHILLIPS: Sir, can I ask who this gentleman is
2 for the record, under oath?

3 MR. KAUFMAN: Yes, my name's Arthur Kaufman.

4 MR. PHILLIPS: And who are you?

5 MR. KAUFMAN: I'm the buyer.

6 MR. PHILLIPS: Okay.

7 MS. KERR: They'd like to purchase my home.

8 MR. PHILLIPS: Who's Mr. Fox?

9 MR. KAUFMAN: He works for me and he --

10 MR. PHILLIPS: And what, are you in the business?

11 MR. KAUFMAN: I have lots of money.

12 MR. PHILLIPS: Okay.

13 MR. KAUFMAN: And the City, I have recorded
14 conversations where they say it's fifty dollars a day and it
15 keeps accruing. So she doesn't have the money --

16 MR. PHILLIPS: Okay.

17 MR. KAUFMAN: She had some legal problems. They go
18 into her house two days early, they steal her things --

19 MR. PHILLIPS: I'm not interested in that. Do you
20 --

21 MR. KAUFMAN: The City is ripping her off.

22 MR. PHILLIPS: Okay.

23 MR. KAUFMAN: So she wanted to get out. She needed
24 money, her mother didn't want to put up any money. We've
25 spoken to her mother who was very sound and alert so she says

1 I want fifteen thousand so the mother knows exactly what it
2 was worth. She has no place to go. The mother doesn't want
3 to help. The City doesn't want to help. They really want
4 the house.

5 MR. PHILLIPS: The City doesn't want the house.

6 MR. KAUFMAN: Well, they threw her out.

7 MR. PHILLIPS: Do you have a signed contract for
8 sale?

9 MR. KAUFMAN: I have a promissory note that's
10 signed.

11 MR. PHILLIPS: What does the promissory notes say?

12 MR. KAUFMAN: That once we determine how much she
13 owes the City we'll buy it.

14 CHAIR WEYMOUTH: For the amount that's owed to the
15 City.

16 MR. KAUFMAN: Correct. And giving her fifteen
17 thousand. And we've been working with the town and I've been
18 jerked around for the last week and I went to Lee whoever is
19 the person I have it upstairs --

20 MR. PHILLIPS: City Manager? Lee Feldman?

21 MR. KAUFMAN: Lee, yes. I was going to be coming
22 next week with the media because they told me to come here at
23 nine o'clock today. I lost three thousand dollars and the
24 girl Sharon thought it was a joke.

25 MR. PHILLIPS: You lost three thousand dollars on

1 what?

2 MR. KAUFMAN: I was here all day today.

3 MR. PHILLIPS: How'd you lose three thousand?

4 MR. KAUFMAN: Because they told me to be here at
5 nine o'clock.

6 MR. PHILLIPS: Did it cost you three thousand
7 dollars?

8 MR. KAUFMAN: Absolutely.

9 MR. PHILLIPS: How? Who did you pay three thousand
10 to?

11 MR. KAUFMAN: My guys get paid to work. They
12 didn't work, I still lose the money.

13 MR. CROGNALE: Mr. Chair?

14 CHAIR WEYMOUTH: Are you done Jack? For now?

15 MR. PHILLIPS: Yes.

16 CHAIR WEYMOUTH: Joe?

17 MR. CROGNALE: Someplace in there, there's an
18 answer to why we're diverting from an unsafe house to an
19 ownership situation right now.

20 MR. KAUFMAN: We want to clean it up.

21 MR. CROGNALE: How we deviate, how we deviate, it's
22 still an unsafe structure. That's the only thing we should
23 be asking the respondent for her protection is that's our
24 duty.

25 MR. KAUFMAN: And we're going to make it, and we're

1 going to buy it and make it safe.

2 MR. CROGNALE: It's an unsafe structure. And they
3 have, and the City has made a recommendation to the Board and
4 the Board has not even got close to that yet because we're
5 discussing ownership.

6 MR. KAUFMAN: If she wants to sell it it's really
7 not the Board to determine what she does.

8 MR. CROGNALE: No.

9 MR. KAUFMAN: If she wants to sell it to us for
10 dollar, that's legal and we can fix it up.

11 MR. CROGNALE: The only thing that we're concerned
12 with is it a safe structure or is it unsafe.

13 MR. KAUFMAN: And we're going to make it safe.

14 MR. CROGNALE: We're not in the legal advice
15 department.

16 MR. KAUFMAN: And we're going to make it safe.

17 MR. CROGNALE: Well, that's, the Board will rule on
18 that.

19 MR. KAUFMAN: Okay.

20 MR. PHILLIPS: You know, Mr. Chairman, Joe, you're
21 right, I digress. I just sense from this woman's pain, and we
22 are here to do the right thing. I don't care what we call
23 it. This woman is crying, she's in pain, it's paid off. I
24 don't think she knows that City liens cannot foreclose a
25 property. It's homestead. You can't foreclose. The City

1 can't take your home, alright?

2 MS. KERR: [inaudible]

3 MR. PHILLIPS: Now, they can knock it down, but
4 that they can't take it. But this woman is so fearful and
5 crying right now, I don't think she's capable of
6 understanding the procedures here, I really don't.

7 CHAIR WEYMOUTH: Well, and I --

8 MR. PHILLIPS: No Mrs. Kerr, please stay here. So
9 I think, I'd like to postpone this for a month. I'd like
10 her, Mrs. Kerr, to get an attorney to review this at the
11 Broward Bar Association and let her come back in a competent
12 manner to understand this.

13 MR. HOLLAND: Um-hm [affirmative] Is this the
14 Attorney Ad Litem program?

15 MR. PHILLIPS: It could be. I'm not giving any
16 legal advice.

17 CHAIR WEYMOUTH: It, and that, and, but it's, we're
18 drifting into an area that we should not be ruling on. I
19 echo your sentiments, I have the same concerns. I think that
20 this woman hasn't been given a fair chance to try to dispose
21 of the property which she probably may or may not get a
22 significant amount more. But I hear what you're saying and I
23 echo it. I think that we need to come back to what's in
24 front of us. I had passed the City Attorney for something
25 that concerns me because I think because it's missing windows

1 and doors and they're using jumper cables to get power inside
2 doesn't take it to the level of demolishing the structure
3 which is what the City's asking.

4 DERECTIVE MANIATES: Let me also add one thing also
5 that you don't know.

6 CHAIR WEYMOUTH: Yes sir.

7 DETECTIVE MANIATES: That for the last year and a
8 half, this property has been under the Nuisance Abatement
9 jurisdiction.

10 CHAIR WEYMOUTH: Has been what? I'm sorry?

11 DETECTIVE MANIATES: Nuisance Abatement.

12 CHAIR WEYMOUTH: Okay.

13 DETECTIVE MANIATES: For a year and a half. So I
14 just want you to know that also. And September 11 is the
15 next meeting and it's probably going to be another six months
16 added to it.

17 CHAIR WEYMOUTH: Okay. Yes ma'am.

18 MS. HASAN: I wanted to answer your questions Mr.
19 Chair. Two things, my review of the file because we always
20 do an updated title search right before the hearings. There
21 is no mortgage on the property, there are outstanding taxes
22 owed for 2012 and 2013. Those --

23 CHAIR WEYMOUTH: In the amount of --

24 MR. LARSON: Can't be that much, can't be that
25 much.

1 MS. HASAN: Let's see. I don't believe I have
2 that. I just, we just pulled --

3 MS. HALE: About seventeen about --

4 CHAIR WEYMOUTH: Seventeen hundred?

5 MS. HALE: Twenty-seven.

6 CHAIR WEYMOUTH: Twenty-seven hundred?

7 MS. HASAN: Let's see, for, well, for 2014 it was
8 sixteen hundred. Let me look and see if I have the other
9 ones. For, yes I do, for 2012 the amount due and owing is
10 one thousand, four hundred and fifty-nine dollars and ninety
11 cents. For 2013, the amount due and owing is one thousand,
12 six hundred and eighty dollars and thirty-six cents.

13 MS. HALE: Three thousand then.

14 CHAIR WEYMOUTH: Hm?

15 MS. HALE: Three thousand then.

16 MS. HASAN: Three thousand, one hundred and forty
17 dollars and twenty-six cents.

18 MR. PHILLIPS: That's not that much, that's not
19 that much.

20 CHAIR WEYMOUTH: I --

21 MS. HASAN: No, I know but I was just answering the
22 Chair's --

23 MR. PHILLIPS: Mrs. Kerr --

24 CHAIR WEYMOUTH: And right now City has a lien on
25 it clicking away at fifty dollars a day?

1 MS. HASAN: My understanding is that there are a
2 number of code enforcement cases on the property. Again, I
3 didn't bring that with me because it isn't directly germane
4 to the Board's jurisdiction but to get to your final question
5 about the lack of safety issue on this property. It's not
6 just about the windows, it's certainly about the electrical
7 system that is completely unsafe because it's been
8 disconnected and bypassed. That is a health hazard.

9 CHAIR WEYMOUTH: I agree with you a hundred
10 percent, but that doesn't take it to the level of tearing the
11 house down. I think the detectives are absolutely correct,
12 this house needs to be abandoned until it can get corrected.

13 MR. LARSON: Mr. Chairman --

14 CHAIR WEYMOUTH: And cutting the power off at the
15 pole instead of the mast head will do that.

16 MR. LARSON: That's what I was going to bring up.

17 CHAIR WEYMOUTH: There are certain things to rush
18 to judgment, she's going to be the victim in this in my
19 personal opinion. Somebody can come in there, buy it for
20 fifteen thousand dollars, put ten thousand dollars' worth of
21 windows in it, get an electrician to hook it up and flip it
22 for whatever, what's the value on it?

23 MR. PHILLIPS: And then go to the Code Board to
24 reduce the liens to a third --

25 CHAIR WEYMOUTH: Absolutely. So --

1 MR. PHILLIPS: And someone walks away with a
2 lottery and the lady, her home is out there.

3 MR. KAUFMAN: She owes almost forty-five thousand
4 so far. And the Board's looking to help her out, after she
5 leaves here she has no place to go.

6 MS. PRYOR: Alright, I'm going to say this only one
7 time. If you wish to speak, you need to be addressed by the
8 Chair.

9 MS. HASAN: And I think also Mr. Chair, the
10 electrical issue coupled with all of the storage inside and
11 the condition of the inside home gives concern not only to
12 the Building Official but for the Fire Marshal. He doesn't
13 have direct jurisdiction but you've got a lot of potential
14 fire hazards within that home, occupied or not, because of
15 the bypassed electric.

16 CHAIR WEYMOUTH: Alright, duly noted. This could
17 go on for a very long debate, duly noted. I think it's going
18 to boil down to --

19 MR. PHILLIPS: Can I ask one question, Mrs. Kerr?

20 MS. KERR: Yes?

21 MR. PHILLIPS: Do you have any, do you work at all?

22 MS. KERR: No sir. I do various odd jobs --

23 MS. PRYOR: Microphone please.

24 MS. KERR: I clean various homes, I clean boats and
25 do various odd jobs for --

1 MR. PHILLIPS: Where are you living now?

2 MS. KERR: On the street. With a friend.

3 MR. PHILLIPS: This is bad.

4 CHAIR WEYMOUTH: And this is something that's just
5 spiraled.

6 MS. KERR: My home did not look like the inside; it
7 was not trashed like that until they came, the City was hired
8 to put up those windows on the house. They completely
9 destroyed everything inside in order to get to those windows
10 to put up those boards and run the big bars through there to
11 put those windows, Plexiglas things in.

12 MR. PHILLIPS: Do we know the name of the City
13 engineer that came and did this, that that she claims --

14 MS. KERR: They were hired from the City and I --

15 MR. PHILLIPS: -- the City contractor?

16 MS. KERR: The woman said it was a new company. I
17 spoke to the lady and I don't know who she was.

18 MS. HASAN: Your honor, the detectives certainly --

19 MR. PHILLIPS: I'm not an honor.

20 MS. HASAN: Yes, sorry.

21 CHAIR WEYMOUTH: You are to us.

22 MS. HASAN: Yes, second nature. The detectives can
23 certainly testify, I don't know if they did before since I
24 was at the back at the beginning of the hearing. But, that
25 the condition of the home inside was that way before the

1 board-up.

2 MS. KERR: It wasn't that bad Paul and you know it.

3 DETECTIVE MANIATES: Also speaking with one of the
4 officers here. There was no windows on the property
5 whatsoever for probably like a week, week and half, maybe two
6 weeks before that was even boarded up or Plexiglased. Okay,
7 so for like two weeks it was wide open.

8 CHAIR WEYMOUTH: How long --

9 DETECTIVE MANIATES: There was people sleeping in
10 there, they're being -- let me speak please.

11 CHAIR WEYMOUTH: Detective, how long has she been
12 out of the house?

13 DETECTIVE MANIATES: She's been out of the house
14 now probably I'd say about a month now, roughly about a
15 month.

16 CHAIR WEYMOUTH: Have you had any problems since
17 she's been out of the house?

18 DETECTIVE MANIATES: Oh yes. We've had arrests
19 from inside, people, friends of hers going inside, breaking
20 into the house, slipping in the house and we've made several
21 arrests already from it.

22 INSPECTOR OLIVA: George Oliva, Building Inspector
23 for the City. I went to do an inspection yesterday and
24 somebody broke already into the house.

25 CHAIR WEYMOUTH: Somebody had broken into the

1 house?

2 INSPECTOR OLIVA: Yes sir. I report the break-in
3 to Detective Jorge Maura from PD.

4 DETECTIVE MANIATES: There's like literally fifteen
5 people that come and go every month into this place. Trying
6 to get their drugs and so forth back and forth. It's
7 nonstop. And if you want to hear from these two officers we
8 can spend all day doing this.

9 CHAIR WEYMOUTH: Oh, I believe your testimony
10 Detective.

11 DETECTIVE MANIATES: And I appreciate everybody's
12 feelings on the property owner but I want you, to make sure
13 you understand completely, I went out of my way to get Ms.
14 Kerr help. A year ago, a year and a half ago, I tried to get
15 her into a program. I got her in it, I did a lot of work to
16 get her in. She bailed out after two, three weeks, okay, and
17 she doesn't want help and it's nonstop for the past year and
18 I know you have feelings and I appreciate that. But this is
19 not going to stop.

20 INSPECTOR OLIVA: George Oliva, building Inspector
21 for the City. If you see the pictures that I took on July 1,
22 you can see that the windows are already missing in the
23 property. The condition inside the property, the way it is,
24 it's completely unsafe and that's on July 5. When the
25 contractor went to do the emergency board up that was after

1 the long weekend.

2 CHAIR WEYMOUTH: I've got another question for Ms.
3 Kerr. Ms. Kerr, how long have you owned or lived at this
4 house? It may not be the same -- speak into the microphone
5 please ma'am.

6 MS. KERR: Yes, I know. December of 1990.
7 Foreclosed on the house then.

8 CHAIR WEYMOUTH: Can I ask you why the windows are
9 out of the house?

10 MS. KERR: Well, they came one time and told me
11 that, something about a window and they needed to be
12 replaced. My sister hired this contractor, and like I said
13 he pulled a permit, he was paid a portion of the job, he was
14 paid for the windows, the windows were brought and left at
15 the house. They were in the living room in front of that
16 wide window that was there. They were there as of the time
17 they came to put the windows in.

18 The City hired the contractors to put their windows
19 in, the board-up process. The contractor was hired, he took
20 all the windows out of the building and then he said there
21 was something about some different type of permit he needed
22 to get on to. He just took off and went parts unknown
23 without ever finishing the job on the windows.

24 MR. HOLLAND: So it's safe to say a window
25 contractor there were some money issues and he wasn't unable

1 to continue, so the work --

2 MS. KERR: He was paid for part of his job and he
3 was --

4 MR. HOLLAND: The work stopped, left the remaining
5 material and walked for lack of funds --

6 MS. KERR: And that was it, he walked off with the
7 windows and left the windows that way and put up the storm
8 shutters and the house has had storm shutters on it since.

9 MR. HOLLAND: It's straight monetary hardship but
10 our job is the safety to the neighbors and the community.

11 MR. PHILLIPS: Well, let me just say something to
12 Mr. Kaufman, okay? And I'm not picking on Mr. Kaufman, but
13 if there's a bank, for example, that would loan money,
14 they're going to require the money to fix it. There's a lot
15 of equity in this place but a bank may not loan it because of
16 the City liens. If this woman has no capability of financing
17 this -- and I'm not commenting on the deal of the dollar --
18 [inaudible] that's not up to me. I just want to make sure
19 she knows what's understanding. And if Mr. Kaufman or, and
20 his colleague Mr. -- or others have a solution to this maybe
21 a month or two down the line it can be brought to us so it's
22 not demolished. But I think at this stage what I've heard
23 about the contractor ripping her off and the City sent
24 someone to board it up and the contractor to board it up
25 didn't put the windows in that were inside because they

1 couldn't.

2 MS. KERR: No.

3 MR. PHILLIPS: I don't think she knows what's going
4 on.

5 MS. KERR: They had not, they weren't sent there to
6 put the windows that I already had in. They were sent to
7 board it up the City, the way the City was per their boarding
8 process, with the Plexiglas.

9 CHAIR WEYMOUTH: Do you have insurance on this
10 property?

11 MS. KERR: No sir.

12 CHAIR WEYMOUTH: Okay. All right. Is there any
13 other question --

14 MS. KERR: I would like to be able to get some of
15 my personal belongings from the home as far as several things
16 that --

17 CHAIR WEYMOUTH: Well, and, I'll ask that question
18 in a minute. Alright.

19 MS. KERR: There's no way to get in there.

20 MR. LARSON: Mr. Chairman.

21 CHAIR WEYMOUTH: You have a question for Ms. Kerr?

22 MR. LARSON: No, I have a question I'd like to --

23 CHAIR WEYMOUTH: You can go ahead and sit down Ms.
24 Kerr.

25 MR. LARSON: I've got some misgivings on this whole

1 thing and I agree basically with the police. I've always
2 supported them and with what they have to go through and I
3 understand there's some things and he's done what he can do
4 to help. But --

5 CHAIR WEYMOUTH: Mr. Larson, if I can interrupt you
6 for just a, just a quick second. I'd like to hear from all of
7 the people that --

8 MR. LARSON: I'm going to be very, I'm going to be
9 very quick, probably about thirty seconds or less. I would
10 like to, I would hope that we could have a motion that we can
11 table this until next week or next month so that we can give
12 this lady time to get some legal representation and get a
13 better handle on what we've got.

14 CHAIR WEYMOUTH: Okay.

15 MR. KAUFMAN: If the Board is looking to take care
16 of her, I just met her today for the first time.

17 CHAIR WEYMOUTH: The Board is not looking to take
18 care of her.

19 MR. KAUFMAN: Okay. So --

20 CHAIR WEYMOUTH: Alright.

21 MR. KAUFMAN: If you're saying another month, for
22 the next month, are they going to stop fifty dollars a day or
23 is that going to keep accruing that goes to the City so they
24 can get more money? I'm in business to make money. This
25 girl has no place to live after she leaves here. Is the

1 Board going to get her a place to live?

2 CHAIR WEYMOUTH: The Board is not here to hear
3 that, they're here to consider the items that are before
4 them.

5 MR. KAUFMAN: Okay, well, so you want to wait a
6 month so she's living on the streets for the next month? I
7 have fifteen thousand in cash to give her today because what
8 is the Board going to do after she leaves here? Or they
9 don't care.

10 MS. HALE: So what's she going to do with fifteen
11 thousand?

12 MR. KAUFMAN: It's going to cost me fifty thousand
13 dollars to fix it up you're saying it's worth --

14 MR. CROGNALE: What does that have to do with the
15 safeness of life and limb of that house?

16 CHAIR WEYMOUTH: And that's why we're drifting off-
17 topic.

18 MR. CROGNALE: What does that have to do with it?

19 MR. KAUFMAN: We're going to redo the whole house.

20 MR. CROGNALE: Like, this is getting to be a soap
21 opera now.

22 MR. KAUFMAN: No, we're going to fix it up where
23 it's livable and sellable.

24 CHAIR WEYMOUTH: Okay. Are there any other
25 questions for this respondent? Thank you. Is there anybody

1 else that wants to be heard on this matter? Alright. Are
2 there any other comments by the --

3 MR. PHILLIPS: Is it possible the City can go back
4 and put plywood up over every window and the doors so it
5 cannot be gotten into? Well, anything can be broken into but
6 can the windows and doors be totally boarded up?

7 INSPECTOR OLIVA: The new system that we have to
8 board up --

9 [People speaking over each other]

10 MS. PRYOR: Sir, hang on one moment. If you, have
11 you been sworn in?

12 MR. FOX: Yes.

13 MS. PRYOR: Are you wishing to testify? Come on
14 up.

15 MR. FOX: I'm sure they could plywood it up. They
16 charged her --

17 MS. PRYOR: State your name for the record.

18 Mr. FOX: My name is Robert Fox. They charged her
19 six thousand to put the Plexiglas up, I'm sure they'd be
20 willing for another five thousand to put plywood up, I'm
21 sure.

22 CHAIR WEYMOUTH: Okay.

23 Mr. FOX: That just keeps coming off her money that
24 she's going to get.

25 CHAIR WEYMOUTH: Let's get away from hypotheticals.

1 MR. HOLLAND: Just, just --

2 CHAIR WEYMOUTH: Let's bring it back. Inspector?

3 INSPECTOR OLIVA: Yes, George Oliva, Building
4 Inspector for the City. The reason that we use the plastic
5 it's a way for the Police Department so they can see through
6 to see who is inside the property. When they approach the
7 property at midnight, when everything is dark, they can flash
8 a light through the plastic and they could see inside is
9 anybody inside the property. That's one of the reasons.

10 I've been working with the SRT and the Police
11 Department for the last seven years in vacant properties
12 going there at midnight with them and asses the [inaudible]
13 of the properties.

14 [People speaking over each other]

15 I want to say, the reason that we had an emergency
16 board-up and only because the unsafe condition inside the
17 property and the electrical and to prevent trespassing also
18 is because we're under the hurricane season right now. If we
19 get hit by high wind, that property, the roof is going to go
20 into the whole neighborhood.

21 MR. WEYMOUTH: Okay.

22 INSPECTOR OLIVA: It doesn't matter if it's not
23 damaged by the weather it's not damaged by the rain, it's
24 completely open and those opening protection if they were
25 removed would not prevent the roof not to blow away. That's

1 what I'm trying to explain.

2 CHAIR WEYMOUTH: Inspector, before you walk off,
3 and if you don't know the answer hopefully maybe the, someone
4 else at the Building Department does. Is there a way to get
5 Ms. Kerr into her property to remove some personal effects?
6 Not take up residency, not to spend the night, but go in
7 there for an hour or two, collect any kind of personal
8 belongings that she wants to take out of there.

9 INSPECTOR OLIVA: That would be under the Police
10 Department.

11 CHAIR WEYMOUTH: So that's something that can be
12 arranged with her?

13 INSPECTOR OLIVA: [inaudible] Right, with the
14 detective and the police officers.

15 CHAIR WEYMOUTH: Okay. Okay. And how would she go
16 about doing that? Did she? Oh, there she is, I'm sorry.

17 INSPECTOR OLIVA: She just need to call the
18 detective, set an appointment to be there and we will have
19 somebody open the property so she can remove whatever needs
20 to be removed.

21 DETECTIVE MANIATES: Ms. Kerr does have my office
22 number so if she calls I can set that up for her and make
23 sure it works, okay?

24 CHAIR WEYMOUTH: Very good. Great. Thank you
25 Detective.

1 MS. KERR: The card is in my house --

2 MR. WEYMOUTH: Alright. Is there any more --

3 MS. HALE: Give her another card. Could you do
4 that? Okay.

5 DETECTOVE MANIATES: I have another card to give
6 her.

7 CHAIR WEYMOUTH: Is there any more discussion on
8 this? Would somebody like to make a motion? Would somebody
9 like to make a motion?

10 MS. HALE: No.

11 CHAIR WEYMOUTH: A motion on point, on topic,
12 addressing the Building code issues. What do we do if nobody
13 wants to make a motion?

14 MR. JARRETT: I have a question for City staff.
15 Again, give us what City staff is asking for. I think that's
16 why we're all sitting up here in silence.

17 CHAIR WEYMOUTH: City staff is asking for
18 demolition of the property.

19 MR. JARRETT: Is that what we're asking for?

20 MS. KERR: I would like a motion to have someone be
21 able to purchase the property, pay off the liens, the fines
22 for the City and be able -- thank you Paul -- and be able to
23 restore the home from the inside out.

24 CHAIR WEYMOUTH: Ms. Kerr, we have to focus on the
25 topic here but I think you're hearing that there may be

1 opportunities for somebody in the legal world to hold your
2 hand and help you and be sure that you're doing the right
3 thing. You're being influenced by --

4 MS. KERR: The City.

5 CHAIR WEYMOUTH: -- a lot of emotional things and
6 Jack, you can maybe expand on it a little bit, but again, we
7 have to stay on what the City he has brought to us. But
8 understand that I don't think it's as dire as you may think
9 it is just for the very reasons that Mr. Phillips has touched
10 on that you've got homestead protections and things like
11 that. But you need to address it. You need --

12 MR. PHILLIPS: It's not, I don't think it's proper
13 for me, and I'm not going to suggest any lawyer or this, like
14 judges, some say ma'am or sir, you might want to go seek
15 independent legal advice. And there are some sources out
16 there. Catholic Charities has lawyers, Broward County Bar
17 Association, I'm sure these officers, they deal with lawyers
18 all the time. Some of them in favorable situations. And
19 but, you could, if you get, Mrs. Kerr, if you find a lawyer
20 he may or she may very well negotiate a solution with Mr.
21 Kaplan. Mr. Kaplan is it?

22 MR. KAUFMAN: Kaufman.

23 MR. PHILLIPS: Kaufman, I'm sorry, Mr. Fox, that
24 maybe something could be worked out. But I'm personally
25 hesitant to order demolition under the circumstances until I

1 think you get someone to, as the Chairman said, hold your
2 hand and give you some advice. So these officers seem to
3 have a relationship with you. I really think you should let
4 them bring you to the Bar Association or some other lawyer
5 and independently speak to someone.

6 MR. LARSON: Mr. Chairman?

7 DETECTIVE MANIATES: Mr. Phillips, all due respect
8 once again --

9 MR. PHILLIPS: You don't want to do anything.

10 DETECTIVE MANIATES: I stepped out of my way to
11 help this woman many, many times and each time she failed me.
12 Okay, so as far as getting her help, I don't know what else
13 more I can do. I've done a lot for her so far.

14 MR. PHILLIPS: I think we're at the stage now she
15 knows the house is going to be demolished, Mr. Kaufman would
16 like to buy it. If that transaction could be structured in a
17 way she understands it, this might be the final piece to get
18 the place fixed, to get her a on straight track if that ever
19 will be and to bring some conclusion to this. So I just see
20 it as a possible, as Churchill said, the beginning of the
21 end.

22 MR. HOLLAND: Yes, we don't seem to have the
23 hurricane threat as much because we have some board-up. Can
24 that buy us time?

25 INSPECTOR OLIVA: The City at this moment feels

1 okay the way the property's at this moment as long as there's
2 nobody living inside.

3 MR. HOLLAND: Right.

4 INSPECTOR OLIVA: And we can keep the people from
5 going into the property and staying there because then once
6 again that's going to become another fire hazard. And
7 regarding the opening protection that we place on the
8 property, we did it to protect the neighbors. Remember,
9 hurricane season, roof goes bye-bye it's going to land on
10 somebody else house and then the City will be liable for --

11 MR. LARSON: That roof's not going nowhere.

12 INSPECTOR OLIVA: -- those damage.

13 MR. HOLLAND: Right.

14 INSPECTOR OLIVA: -- Because we didn't did what we
15 were supposed to do. But at this moment I think the City is
16 willing to wait thirty days to see --

17 MS. HALE: I don't see anything about a roof --

18 INSPECTOR OLIVA: -- which way she's going to go
19 with these issues and we'll be back on thirty days.

20 MR. CROGNALE: So the City's willing to modify its
21 request Mr. Oliva? You're willing to modify your request for
22 an additional thirty days?

23 INSPECTOR OLIVA: I'm willing to modify the request
24 for additional thirty days to let the procedure go through
25 with her trying to get a lawyer, legal advice, I can see

1 there is a couple influence on her, so. Yes.

2 MR. LARSON: Will you give her thirty days?

3 MS. HALE: [inaudible]

4 CHAIR WEYMOUTH: Okay. Thornie, you had a
5 question.

6 MR. LARSON: Mr. Chairman?

7 MR. JARRETT: Yes, if, I just have a general
8 question for the Board and also directed to the Police
9 Detective. If we order a demolition, if we find the
10 violations exist and we order a demolition but we used a time
11 period of sixty days, okay, that would give her an
12 opportunity to seek legal advice.

13 And my question for the Detective, if we give this
14 order for demolition and we declare the house unsafe, then
15 you have the full right to arrest any individual in the
16 house, correct?

17 DETECTIVE MANIATES: We have that right right now.

18 MR. HOLLAND: You have that anyway.

19 [People speaking at the same time]

20 DETECTIVE MANIATES: Correct.

21 MR. JARRETT: Would you be happy with that?

22 DETECTIVE MANIATES: I would be happy but I think
23 sixty days is too long; I think thirty would be appropriate.

24 MR. JARRETT: Okay. Thank you.

25 DETECTIVE MANIATES: Thank you.

1 MS. HALE: Mr. Chair?

2 MR. LARSON: Mr. Chairman, I'm willing to go along
3 with thirty days.

4 MS. HALE: Mr. Chair, I'm sorry but I don't see
5 that we're talking about roof. You're talking about a roof,
6 but here on the things that have been presented to me I don't
7 see anything --

8 MR. HOLLAND: I don't think he talked roof.

9 MS. HALE: Yes, he said it might go flying.

10 [People speaking over each other]

11 INSPECTOR OLIVA: No, no, we're not talking about
12 the roof being unsafe. We're talking about the property being
13 unsafe due to the windows were removed. So that means it's
14 completely open, we get high winds, uplift of the roof and it
15 goes into the neighbor's house. And that's one thing that we
16 have to be aware too, that's what --

17 CHAIR WEYMOUTH: [inaudible] this property.

18 MS. HALE: What happened to these plastic windows?
19 Are they not they are? Are the doors not boarded up?

20 INSPECTOR OLIVA: Those are --

21 DETECTIVE MANIATES: There was no windows in the
22 property, no windows whatsoever so when they did the
23 Plexiglas to board it up, that's what he's talking about.
24 That will protect and prevent, right.

25 MS. HALE: Right. Now tell me, are the doors

1 unsafe? Do they need to be boarded up? How are the people
2 getting in then if they're not going through these Plexiglas
3 windows?

4 DETECTIVE MANIATES: They do ply their way into the
5 doors, into the front door and the kitchen doors. Yes they
6 do, they do break in.

7 MR. WEYMOUTH: Okay.

8 MR. PHILLIPS: Well, that's something we'd
9 encounter in all board-up orders, theoretically.

10 MS. HALE: Well, yes. Board them up again, board
11 them up some more.

12 MR. HOLLAND: Well, I'm comfortable with the
13 Detective's recommendation on time. And again thirty isn't
14 not necessarily bulldozers at the thirty-first days. So I
15 think if anything materializes with this opportunity and some
16 legal counsel, I think it needs to be done fast because this
17 has been going on way too long and we've got an obligation to
18 the community and I'm comfortable with the thirty days and
19 the discretion of the City's judgment how to handle that when
20 the time comes.

21 MR. LARSON: Make the motion.

22 MR. HOLLAND: So I'll move it if, unless anybody
23 else has --

24 CHAIR WEYMOUTH: Well, let's see if there's any
25 more dialogue before you make the motion.

1 MR. CROGNAL: Yes, question.

2 CHAIR WEYMOUTH: Yes sir?

3 MR. KAUFMAN: I just want to get it on the record.

4 So the Board is stating that she can't sell the property --

5 CHAIR WEYMOUTH: No.

6 MR. KAUFMAN: -- where we could fix it and make it
7 livable.

8 DERECTIONE MANIATES: That's not what he was saying.

9 CHAIR WEYMOUTH: You're about ready to hear what
10 the Board's saying, so --

11 MR. KAUFMAN: Okay, but I just want to -- I'm
12 willing to buy it right now, pay all the taxes, make it
13 livable, salable, and the Board's stopping me from doing
14 that.

15 CHAIR WEYMOUTH: That is not correct. The Board is
16 not worried about who owns the property, the Board is
17 concerned about the condition of the property and it doesn't
18 matter who owns it. If you were to buy it out on the
19 courthouse steps right now we are still concerned about the
20 liability that this property brings to the neighborhood.

21 MR. KAUFMAN: We would start working on it next
22 week.

23 CHAIR WEYMOUTH: And it doesn't matter who owns it.

24 MR. KAUFMAN: We would start working on it next
25 week.

1 MR. HOLLAND: And to answer your question, even
2 though the order goes in, regardless who owns it, it could be
3 demolished in the event somebody doesn't follow through. You
4 may find something more involved once you get into things and
5 the numbers don't work. And we --

6 MR. KAUFMAN: But if she can't get an attorney and
7 can't get legal aid --

8 MR. CROGNALE: Mr. Chair?

9 [People speaking over each other]

10 MR. LARSON: [inaudible] the house, you got so much
11 money. Why don't you pay her more for it?

12 MR. HOLLAND: [inaudible] safety of the community.
13 You have time in that period.

14 MR. WEYMOUTH: Alright, let's --

15 MR. CROGNALE: Mr. Chair?

16 MR. KAUFMAN: Say it again.

17 CHAIR WEYMOUTH: Back to bringing closure to this.
18 The Board is not weighing in on your deal.

19 MR. LARSON: No.

20 MR. WEYMOUTH: The Board is weighing in to the
21 condition of the property so you can --

22 MR. PHILLIPS: My comment, Mr. Chairman, to Mr.
23 Kaufman, and not ruling today, was to allow her to get
24 representation to understand what's going on. And if she has
25 representation and she still doesn't do it and it's

1 demolished, I'm just concerned that she -- I don't think she
2 understands what's going on, that's why I wanted to continue
3 it. And I'd like to City can bolt stronger plywood over the
4 back and front door -- if those are the only two entry points
5 -- to do that and let her come back and if she's back in a
6 month and she doesn't have legal representation, I don't care
7 what her deal is with Mr. Kaufman. Or Bank of America --

8 MR. KAUFMAN: Well, how about she sees a
9 psychiatrist? Let him give an evaluation.

10 CHAIR WEYMOUTH: That is not -- let's get back on
11 topic, alright?

12 MR. CROGNALE: Here's my comment -- let's get on
13 topic.

14 [People speaking over each other]

15 MR. PHILLIPS: [inaudible] a motion that we find
16 the violations exist and we order to --

17 MR. HOLLAND: There he goes again.

18 CHAIR WEYMOUTH: No, there is no motion yet, no.
19 there is no motion.

20 MR. PHILLIPS: Excuse me, the motion I would like
21 to consider is we continue this thirty days, let her come
22 back here. If she's seen a lawyer if she hasn't seen a
23 lawyer, come back here and if we're in the same position I
24 don't have a hesitation to enter the thirty-day demolition.
25 But at least we'll feel comfortable that she would have had

1 an opportunity to get some independent representation rather
2 than walk out with fifteen thousand in her pocket.

3 MR. CROGNALE: How did we get involved in having
4 our conversation go so far off-topic?

5 CHAIR WEYMOUTH: Joe, Joe, he's, Joe he's making a
6 motion; allow him to finish making his motion.

7 MR. CROGNALE: Okay.

8 MR. PHILLIPS: I would like to move that we
9 continue this matter for thirty days to enable Ms. Kerr to
10 come back here and have the opportunity to seek legal
11 representation and to revisit this thing in thirty days.

12 MR. LARSON: Second.

13 CHAIR WEYMOUTH: We have a motion, is there a
14 second?

15 MR. LARSON: Second.

16 MS. HALE: He seconded.

17 CHAIR WEYMOUTH: Huh?

18 MS. HALE: He seconded.

19 MR. LARSON: Second.

20 CHAIR WEYMOUTH: You second it?

21 MR. LARSON: I second it. All right, any further
22 discussion?

23 MR. JARRETT: I have a question. Jack, did you, in
24 your motion are you finding the violations exist?

25 MR. PHILLIPS: No.

1 MR. JARRETT: No?

2 CHAIR WEYMOUTH: Okay. We have a motion, a second,
3 any other conversation?

4 MR. LARSON: Just extending it, that's all.

5 CHAIR WEYMOUTH: All in favor say aye.

6 MS. HALE; MR. LARSON; MR. PHILLIPS: Aye.

7 CHAIR WEYMOUTH: All opposed say no.

8 MR. HOLLAND; MR. CROGNALE; MR. JARRETT; CHAIR
9 WEYMOUTH: No.

10 CHAIR WEYMOUTH: Alright, motion doesn't carry.

11 MR. KAUFMAN: I just want it on the record --

12 CHAIR WEYMOUTH: Would somebody else like to make,
13 would somebody else like to make, would somebody else like to
14 make a motion?

15 MR. HOLLAND: Yes I would as I said earlier.

16 MR. LARSON: I'd like to hear the how many no's
17 there were and how many yeses.

18 CHAIR WEYMOUTH: Alright. If you call the roll
19 please madam clerk.

20 MS. OPFERLEE: Mr. Holland?

21 MR. HOLLAND: No.

22 MS. OPFERLEE: Mr. Crognale?

23 MR. CROGNALE: No.

24 MS. OPFERLEE: Ms. Hale?

25 MS. HALE: Yes.

1 MS. OPPERLEE: Mr. Jarrett?

2 MR. JARRETT: No.

3 MS. OPPERLEE: Mr. Larson?

4 MR. LARSON: Yes.

5 MS. OPPERLEE: Mr. Phillips?

6 MR. PHILLIPS: Yes.

7 MS. OPPERLEE: Chair Weymouth?

8 CHAIR WEYMOUTH: No.

9 CHAIR WEYMOUTH: Okay, would somebody else like to
10 make a motion?

11 MR. HOLLAND: Yes.

12 CHAIR WEYMOUTH: Mr. Holland?

13 MR. HOLLAND: I move that we find the violations
14 exist as alleged and that we order the property owner to
15 demolish the structure within thirty days and we order the
16 City to demolish the structure should the property owner fail
17 to timely demolish. Such demolition is to be accomplished by
18 a licensed demolition contractor pursuant to a City issued
19 demolition permit. And what I'll -- I'll elaborate if we get
20 a second.

21 CHAIR WEYMOUTH: Alright. We have a motion, is
22 there a second?

23 MR. CROGNALE: Second.

24 CHAIR WEYMOUTH: Alright, what --

25 MR. HOLLAND: What I wanted to elaborate on is the

1 parallel concept of working with her, with legal aid, with
2 the potential contract with you gentlemen during that period
3 and if something substantive can be presented to the Building
4 Department, they have the ability to have a stay on that
5 demolition.

6 MR. KAUFMAN: I just want it on the record. This
7 detective will testify, Ms. Kerr is sometimes nowhere to be
8 found --

9 MR. WEYMOUTH: Sir, we're in a -- we're in a
10 motion.

11 [People speaking over each other]

12 MR. KAUFMAN: She's nowhere to be found. So if you
13 demolish the home I'm going to sue the City because the
14 detective will tell you for months they can't find her. So --

15 CHAIR WEYMOUTH: Will you turn off the microphone
16 please.

17 MR. KAUFMAN: It's on tape.

18 CHAIR WEYMOUTH: We've brought it back to the dais,
19 the conversation has been closed.

20 MR. HOLLAND: My point is, these things can be
21 worked in parallel but we need --

22 DETECTIVE MANIATES: I also have an address, I'm
23 sorry, I do have an address where she's staying at right now.
24 So you guys do know that I do know where she's at.

25 MR. HOLLAND: If that information can be relayed

1 that would be appreciated.

2 Ms. KERR: [inaudible]

3 DETECTIVE MANIATES: Why don't you guys step
4 outside for now?

5 CHAIR WEYMOUTH: So, so, we have --

6 MR. HOLLAND: If absolutely nothing happens, we
7 have what we need in place and the City's, I'm comfortable
8 with the City's discretion to allow something to maybe occur
9 and maybe several things to occur and give these other
10 gentlemen an opportunity to intervene hopefully in a more
11 balanced way.

12 CHAIR WEYMOUTH: Is there any more discussion?

13 MR. CROGNALE: Yes. I have a comment.

14 CHAIR WEYMOUTH: Joe?

15 MR. CROGNALE: As I said, we've drifted off-topic
16 to an unsafe structure into a public nuisance. And we can't
17 legislate a public nuisance. And this is what the
18 conversation has been about is the livability and the public
19 nuisance that this piece of property became. But we're not
20 in that game.

21 CHAIR WEYMOUTH: Okay.

22 MR. CROGNALE: So the only one that makes sense
23 right now is Mr. Holland's motion to do something concrete
24 within our realm.

25 CHAIR WEYMOUTH: Whose? With Mr. Holland's motion?

1 MR. CROGNALE: Yes.

2 CHAIR WEYMOUTH: Okay.

3 MR. CROGNALE: Mr. Holland's motion.

4 CHAIR WEYMOUTH: Anything else?

5 MR. CROGNALE: That's it.

6 CHAIR WEYMOUTH: Okay. Is there anybody else that
7 wants to comment to this? I will ask -- I --

8 MR. PHILLIPS: I think there's a question of a
9 woman's competency and in that situation I think that
10 there's, we have an inherent obligation to bend over
11 backwards and make sure that there's, using an analogy in the
12 courts, if the judge thinks there's anything -- and we're a
13 quasi-judicial body -- and if they think that the person's,
14 they have doubt as to the woman, the person's competency,
15 they want to insist, may appoint like attorney ad litem or a
16 guardian and Joe, I know this is off base but I feel --

17 MR. CROGNALE: I understand you're humanitarian,
18 but we're --

19 MR. PHILLIPS: I feel it's a competency issue.

20 MR. CROGNALE: We're not paid for that; we're not
21 paid for that.

22 CHAIR WEYMOUTH: I think all that is well-
23 documented and will be represented in the minutes.

24 MR. PHILLIPS: And I wonder if the City Attorney
25 can request that someone look into this woman's competency or

1 have someone appointed, a special lawyer, like a special, not
2 prosecutor, but to look into this considering that the woman
3 I think is, there are questions of her competency.

4 CHAIR WEYMOUTH: Well, I hear what you're saying
5 Jack and I think we need to stay focused on what's before us
6 and I have the same concerns and feelings you do. I will add
7 my two cents to this case which I think are on point or least
8 I'm going to try to, if not, you guys can remind me that I'm
9 off-topic. To me, the fact that she's getting power to the
10 house by use of jumper cables doesn't, I think that's a life
11 safety issue, I think that that can be addressed by
12 terminating the electric at the pole.

13 Beyond that, I don't see the condition of this
14 property bringing this property to the level of it needing to
15 be demolished. And I will tell you I am not going to vote
16 for demolition of the property. I think it's unsafe, I think
17 the Police Department has a tremendous nuisance over there.
18 That's the problem of the current owner and not the property.
19 And to demolish the property and devalue the property because
20 of the unstable mental condition possibly or whatever the,
21 maybe it's just not being informed. Regardless, you take the
22 ownership out of it and you look at it, I don't see the
23 property going down to the level of destroying what's there.
24 So that's my position.

25 MR. HOLLAND: We often deal with multiple safety

1 issues with this Board again, safety first.

2 CHAIR WEYMOUTH: Structural.

3 MR. HOLLAND: Not just structural. We have many
4 cases where we have dealt with board-up and board-up is
5 essential to the safety of the neighborhood.

6 CHAIR WEYMOUTH: I agree.

7 MR. HOLLAND: When you get elements coming in and
8 bad things happen.

9 CHAIR WEYMOUTH: I agree a hundred percent.

10 MR. HOLLAND: And I think that's been demonstrated
11 here. And, and --

12 CHAIR WEYMOUTH: I think we need to support the
13 Police Department and board this thing up tight like
14 everybody's talking about.

15 MR. HOLLAND: Right.

16 CHAIR WEYMOUTH: But that doesn't mean demolishing
17 of an improved piece of property.

18 MR. CROGNALE: We have the motion and a second.

19 MR. HOLLAND: And I think in the need that none of
20 the resources come through as planned, many times and
21 recently we've had contractors with reassuring proposals to
22 come in and then a month later all that fizzled out. Very
23 rarely is there follow-through. It would be nice if it could
24 happen, this allows for that chance to happen.

25 MR. PHILLIPS: I know, I wish there was a member of

1 the Police, social service, elderly affairs, mental health,
2 Catholic Charities whatever, that would pick her up and drop
3 her off [inaudible]. Habitat for Humanity, Catholic
4 Charities or Broward Bar, at least --

5 CHAIR WEYMOUTH: Habitat for Humanity would buy
6 this property in a heartbeat, in a heartbeat, and probably
7 for a lot more than what these guys are --

8 MR. HOLLAND: But these things aren't mutually
9 exclusive --

10 MR. PHILLIPS: Someone has to pick her up.

11 MR. HOLLAND: -- and the City has discretion on the
12 demolition. If something is presented that she's gone to the
13 right place and making progress finally, and including legal
14 aid and can demonstrate to the officers and the building
15 officials that something's moving, then perhaps these other
16 gentlemen, all these things can move in parallel and not be
17 mutually exclusive.

18 But one thing we do have to have above all that is
19 the safety of the community and if we need to, without any
20 other resources may need to take the house. I hope not I
21 believe there is a lot of equity there. Without resources to
22 do the right thing to make it safe we're left with a tough
23 decision as we often are.

24 CHAIR WEYMOUTH: Okay.

25 MS. HALE: I don't think that that's such a tough

1 decision if you cut off the electricity at the --

2 CHAIR WEYMOUTH: At the pole.

3 MS. HALE: -- at the pole, and you board up those
4 doors that seem to be the problem how they're getting in
5 there until she can resolve some of her problems, that
6 building, I would have thought, was safe.

7 CHAIR WEYMOUTH: Okay.

8 [People speaking over each other]

9 MS. HALE: I agree with you that there are other
10 options.

11 MR. HOLLAND: They continue to break in; there is
12 repeated break-ins.

13 MS. HALE: Well --

14 MS. HASAN: Mr. Chair, just, if I could. And I
15 apologize for interrupting the Board's discussion but I've
16 been advised by the Building Official that the electricity
17 already has been cut off at the pole.

18 CHAIR WEYMOUTH: Okay, so --

19 MS. HALE: Oh.

20 MS. HASAN: But they're still running electrical
21 through other sources.

22 MR. HOLLAND: But, right. And drug users don't
23 always need all the comforts that electricity brings.

24 MR. PHILLIPS: They may show up with a generator or
25 two. Can we vote on this Mr. Chair?

1 CHAIR WEYMOUTH: As soon as, I just wanted to give
2 ample time for discussion. We've been on it for a very long
3 time. I made, I think everybody's had an opportunity to make
4 their position known. I'm going to ask madam clerk to do a
5 roll call because I anticipate a split vote or least not a
6 unanimous vote. So if there's no further discussion I would
7 put it to madam clerk to call the roll.

8 MS. OPPERLEE: Mr. Holland?

9 MR. HOLLAND: Yes.

10 MS. HALE: Exactly what -- wait a minute -- could
11 we start again and would you just read how the motion --

12 CHAIR WEYMOUTH: She's not a stenographer so --

13 MS. HALE: No.

14 CHAIR WEYMOUTH: The motion is for demolition in
15 thirty days.

16 MS. HALE: Alright, okay.

17 MR. JARRETT: Alright, can I have one question
18 before the vote?

19 MR. PHILLIPS: Could we -- I've got to get going.
20 Otherwise I'm not going to vote.

21 MR. JARRETT: I would like to ask City Counsel --
22 you have the leverage even though we make this ruling in
23 thirty days you have the leverage of something changes about
24 this situation you can, it can take forty days if necessary.
25 If the police come up with something or someone steps in, you

1 can do that, correct?

2 MS. HASAN: Yes sir, well -- I have no authority
3 whatsoever but yes, the City has the authority, the Building
4 Official has that discretion. The City has that discretion,
5 and certainly my limited experience here is that we will work
6 with individuals if they're making progress.

7 MR. JARRETT: Okay.

8 MS. HASAN: Absolutely.

9 CHAIR WEYMOUTH: Thank you.

10 MR. JARRETT: Discretion can be used.

11 MS. HASAN: Yes sir.

12 CHAIR WEYMOUTH: Madam clerk.

13 MS. OPPERLEE: Mr. Holland?

14 MR. HOLLAND: Yes.

15 MS. OPPERLEE: Mr. Crognale?

16 MR. CROGNALE: Yes.

17 MS. OPPERLEE: Ms. Hale?

18 MS. HALE: No.

19 MS. OPPERLEE: Mr. Jarrett?

20 MR. JARRETT: Yes.

21 MS. OPPERLEE: Mr. Larson?

22 MR. LARSON: No.

23 MS. OPPERLEE: Mr. Phillips?

24 MR. PHILLIPS: No.

25 MS. OPPERLEE: Chair Weymouth?

1 CHAIR WEYMOUTH: No. Motion does not carry. Is
2 there somebody else that would like to make another motion?

3 MR. JARRETT: I'll make a motion.

4 CHAIR WEYMOUTH: Okay.

5 MR. JARRETT: I move that we find the violations
6 exist as alleged, and that we grant the respondent sixty days
7 to bring the property into compliance. Let's see if this
8 motion works.

9 MR. LARSON: Change that to thirty days and I'll
10 vote for it.

11 MR. JARRETT: Well, isn't that what --

12 [People speaking over each other]

13 MS. HALE: No, we demolish.

14 MR. LARSON: Oh yes, I don't want to demolish.

15 MS. HALE: No.

16 CHAIR WEYMOUTH: What I would suggest is maybe read
17 the motion again and I would suggest --

18 MR. JARRETT: Well, I withdraw the motion because I
19 don't think it's going to pass, so I withdraw the motion.

20 MS. HALE: No, try it again.

21 CHAIR WEYMOUTH: No, give it a try, you don't know.
22 But I would use as a specific next meeting date or the
23 meeting date two months from now instead of sixty days or
24 thirty days.

25 MR. JARRETT: Okay, okay, thirty days then, okay.

1 We'll try this.

2 CHAIR WEYMOUTH: I would say by September 18. If
3 you're trying to do a thirty-day motion, it's not quite
4 thirty days so.

5 MR. JARRETT: Okay.

6 MR. LARSON: We still going to demolish?

7 MS. HALE: No.

8 CHAIR WEYMOUTH: He's giving her an extension of
9 time.

10 MR. JARRETT: Finding the violations. I'm giving --

11 MR. LARSON: I missed part of the first motion
12 that's why I asked. Can you repeat it please?

13 CHAIR WEYMOUTH: That's what we're asking him to
14 do.

15 MR. JARRETT: Okay. I move that the violations
16 exist, that the City has presented, but we give the
17 respondent thirty days, is that what everybody I think is
18 asking for, an extension?

19 CHAIR WEYMOUTH: Make the motion and we'll see what
20 happens.

21 MR. JARRETT: Okay, with a thirty-days extension to
22 do this.

23 CHAIR WEYMOUTH: Alright, so we have a motion for a
24 thirty-day extension. Is there a second?

25 MR. LARSON: I'll second that.

1 CHAIR WEYMOUTH: We have a motion and a second. Is
2 there any more discussion?

3 MR. PHILLIPS: Thirty days' extension to do what?

4 MR. JARRETT: For them to address the violations.

5 [People speaking over each other]

6 MR. LARSON: She comes back in thirty days. That's
7 all.

8 MR. CROGNALE: Makes a total how many days?

9 MR. JARRETT: She'll come back in thirty days.

10 CHAIR WEYMOUTH: To address the violations.

11 MR. JARRETT: I'm not calling for the demolition.
12 I'm just saying that we --

13 MR. PHILLIPS: Well, I guess we're at -- I could
14 suggest we continue the matter for thirty days.

15 MR. JARRETT: Well, that's what I'm doing.

16 CHAIR WEYMOUTH: Well --

17 MS. HALE: It's a continuance.

18 MR. HOLLAND: But it's, with the violations.

19 [People speaking over each other]

20 MS. HASAN: But, right, he's -- the hybrid. He's
21 acknowledging violations, which you didn't want to do, but
22 allowing for a continuance.

23 MR. JARRETT: But we're not calling for demolition.

24 MS. HALE: No.

25 MR. JARRETT: We're just finding the violations

1 exist and we're asking her to come back in thirty days.

2 MR. LARSON: That's right.

3 MR. PHILLIPS: I just want --

4 MR. JARRETT: With counsel, hopefully.

5 MR. PHILLIPS: You know what? I can agree the
6 violations exist but I don't agree they exist to the extent
7 that they require demolition.

8 MS. HALE: No.

9 MR. JARRETT: We're not, I'm not calling for
10 demolition.

11 CHAIR WEYMOUTH: They'll be back at the next
12 meeting.

13 MR. PHILLIPS: I'd like to second that motion.

14 MR. PHILLIPS: Or I'll third.

15 CHAIR WEYMOUTH: Alright. We have a motion, we
16 have a second. Is there any further discussion? The only
17 discussion I would like -- and now, I'm sorry.

18 MS. PRYOR: Mr. Chair, sorry. It's actually
19 twenty-eight days to the next hearing not thirty.

20 MR. JARRETT: I'll amend it to twenty-eight days.

21 CHAIR WEYMOUTH: I ask -- now I'm going to go off
22 topic -- but I would ask Detective, since you have a way to
23 reach Ms. Kerr, to let her know that the world is not
24 crashing down and if you would make an attempt to help her
25 get in and get some personal belongings but explain to her

1 that's the last time she's walking into the house until at
2 least September 18 when we rehear this, but --

3 DETECTIVE MANIATES: I will take care of that.

4 CHAIR WEYMOUTH: Thank you. All right so we have a
5 motion, we have a second. Just to maintain what we were
6 doing, will you call roll? We may have unanimous but just,
7 could do a roll call.

8 MS. OPFERLEE: Mr. Holland?

9 MR. HOLLAND: Yes.

10 MS. OPFERLEE: Mr. Crognale?

11 MR. CROGNALE: Yes.

12 MS. OPFERLEE: Ms. Hale?

13 MS. HALE: Yes.

14 MS. OPFERLEE: Mr. Jarett?

15 MR. JARRETT: Yes.

16 MS. OPFERLEE: Mr. Larson?

17 MR. LARSON: Yes.

18 MS. OPFERLEE: Mr. Phillips?

19 MR. PHILLIPS: Yes.

20 MS. OPFERLEE: Chair Weymouth?

21 CHAIR WEYMOUTH: Yes.

22 CHAIR WEYMOUTH: Alright, so motion carries.

23 MS. HALE: You alright with that?

24 DETECTIVE MANIATES: I'm fine with that.

25 CHAIR WEYMOUTH: Well no, I --

1 MS. HALE: Well, I'm just asking his opinion that's
2 all. It had nothing to do with the -- He looks happy.
3 There's a smile on his face.

4 CHAIR WEYMOUTH: You guys, you've got to -- my
5 wife's a Fort Lauderdale cop so I've got to go home to all
6 this. And so I can --

7 [People speaking over each other]

8 It's either going to be a good night at the
9 Weymouth residence or it isn't.

10 MS. PRYOR: Alright we're not done Board, we're not
11 done.

12 CHAIR WEYMOUTH: I know. Moving it on down. You
13 guys are all packing up like we're ready to. We still have
14 more cases.

15 MS. PRYOR: We're not done. Thank you gentlemen.

16 CHAIR WEYMOUTH: Oh yes. Thank you Detective.

17 MR. LARSON: Mr. Chairman, I've got to leave the
18 Board for a second.

19 CHAIR WEYMOUTH: Alright.

20 MS. PRYOR: Do you need a break?

21 CHAIR WEYMOUTH: I'm sorry, you've got to leave for
22 a few minutes?

23 MS. HALE: He's going to the men's room.

24 CHAIR WEYMOUTH: Okay. Let's, can we take a five-
25 minute break?

1 MS. PRYOR: Yes we may.

2 CHAIR WEYMOUTH: And, Mr. Phillips, you have to
3 leave, correct?

4 MS. HALE: Yes, I think he is.

5 CHAIR WEYMOUTH: We'll take a five-minute break.
6 We'll reconvene at five twenty-five.

7 [At 5:20, Mr. Phillips left the meeting and the
8 Board took a brief break.]

9

10 **4. Case: CE14060446**

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11 **SAUTERNES V LLC**

12 **1213 W LAS OLAS BLVD**

13 MS. PRYOR: Page two on your agenda, page two.

14 Case number CE14060446, Inspector George Oliva, case address
15 1213 West Las Olas Boulevard, the owner Sauternes V LLC.

16 Notice of violations posted on the property
17 7/25/14, advertised in the Daily Business Review 8/1/14,
18 8/8/14. Certified mail notices on your agenda.

19 INSPECTOR OLIVA: George Oliva, Building Inspector
20 for the City. I'm presenting case number CE14060446 on
21 today's agenda page one. This case was opened on July, on
22 June 6, 2014 by me. The following pictures were taken by me
23 on June 6 and July 25 and I would like to submit them into
24 the records.

25 [Inspector Oliva displayed photos of the property.]

1 This roof on this property, that you can see the
2 pictures from the inside, it's been vacant for a while.
3 We've had numerous code cases and complaint from the
4 neighbors. The windows are open. That's the back, or the
5 rear of the property where you can see the way it's
6 deteriorating.

7 This is a wood framing, most of the wood has
8 already rotted, giving away. There roof has a big gap
9 already on it which it give in. That's one part of the roof
10 in the rear bedroom and you're going to see the one on the
11 front coming up.

12 That's another two openings on the other, west side
13 of the property where the roof already give in. It's
14 completely open. That's the biggest one that's on the east
15 side of the property facing the street and we already got
16 plants growing out of it. And that's another view.

17 Like I said this is a wood frame built back in the
18 20s and the City's asking for the Board to find that this
19 property's unsafe and to order the owner of the building to
20 demolish the unsafe property in the next thirty days and
21 before it came today to the Board I spoke with the property
22 owner and he say let the City demolish.

23 CHAIR WEYMOUTH: He said what?

24 INSPECTOR OLIVA: Let the City demolish.

25 CHAIR WEYMOUTH: Okay.

1 MS. PRYOR: Well, there you go.

2 CHAIR WEYMOUTH: Is there a respondent here?

3 MS. PRYOR: No sir.

4 CHAIR WEYMOUTH: No respondent? I'm assuming --
5 are there any questions for the Inspector? Is there anybody
6 wants to meet a motion?

7 MS. HALE: Sure.

8 CHAIR WEYMOUTH: Ms. Hale.

9 MS. HALE: I move that we find violations exist as
10 alleged and we order the property owner to demolish the
11 structure within thirty days and we order the City to
12 demolish the structure should the property owner fail to
13 timely demolish. Such demolition is to be accomplished by a
14 licensed demolition contractor pursuant to a City issued
15 demolition permit.

16 MR. LARSON: Second.

17 CHAIR WEYMOUTH: Alright. You're quick. Any
18 further discussion?

19 MS. HALE: I'm sorry, Bruce isn't here.

20 CHAIR WEYMOUTH: Hearing none, all in favor say
21 aye.

22 BOARD MEMBERS: Aye.

23 CHAIR WEYMOUTH: Any opposed? Motion carries
24 unanimously.

25

1 **5. Case: CE14061367**

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2 **FAR EAST YARD PARTNERS LLC**

3 **1515 SW 20 ST**

4 Withdrawn.

5
6 **Other Items and Announcements**

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7 None.

8
9 **COMMUNICATION TO THE CITY COMMISSION**

10 CHAIR WEYMOUTH: Anything for the City Commission
11 even though we were fortunate enough to have a Commissioner
12 be with us most of the day? Any message to the Commission?
13 Seeing none, this meeting is adjourned unless you have
14 further business.

15
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16 **FOR THE GOOD OF THE CITY**

17 No discussion.

18 **[Meeting concluded at 5:29 p.m.]**

19
20
21 _____
BOARD CLERK

22 _____
23 MICHAEL WEYMOUTH, CHAIR

24
25 [Minutes prepared by: J. Opperee, Prototype, Inc.]

CERTIFICATION

I hereby certify that I have recorded and transcribed the City of Fort Lauderdale Unsafe Structures Board meeting held August 21, 2014, at 3:00 p.m., City Hall, 100 North Andrews Avenue, 1st Floor Commission Chambers, Fort Lauderdale, Florida.

Dated at Ft. Lauderdale, Broward County, Florida, this 18th day of September, 2014.

PROTOTYPE, INC.

JAMIE OPPERLEE

Recording Clerk

SWORN TO and SUBSCRIBED before me by JAMIE OPPERLEE who is personally known to me and who signed the foregoing for the purposes therein expressed.

DATED this 18th day of September, 2014.



D.J. GROSSFELD
MY COMMISSION # EE 065058
EXPIRES: April 26, 2015
Bonded Thru Budget Notary Services

NOTARY PUBLIC
State of Florida